

1 UNITED STATES DISTRICT COURT  
2 EASTERN DISTRICT OF NEW YORK

3 - - - - - X  
4 UNITED STATES OF AMERICA, : 08 CR 76  
5 :  
6 -against- :  
7 United States Courthouse  
8 CHARLES CARNEGLIA, : Brooklyn, New York  
9 :  
10 Defendant. : February 2, 2009  
11 : 9:00 o'clock a.m.  
12 - - - - - X

12 TRANSCRIPT OF TRIAL  
13 BEFORE THE HONORABLE JACK B. WEINSTEIN  
14 UNITED STATES SENIOR JUDGE, and a jury.

15 APPEARANCES:

16 For the Government: BENTON J. CAMPBELL  
17 United States Attorney  
18 BY: ROGER A. BURLINGAME  
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24 For the Defendant: KELLEY J. SHARKEY, ESQ.  
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4 Proceedings recorded by mechanical stenography, transcript  
5 produced by computer-aided transcription.  
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9

10 (The following occurred in the absence of the jury.)

11 THE COURT: Court Exhibit 1, letter of January 31st  
12 from the government.

13 (Marked.)

14 Court Exhibit 2, brief of the defendant in support  
15 of Mr. Carneglia's motion to preclude evidence of threats made  
16 to Albert Gelb.

17 Court Exhibit 3, letter of Department of Justice  
18 dated January 31st.

19 (So marked.)

20 Court Exhibit 4, memorandum of the defendant  
21 opposing the admission of hearsay statements implicating the  
22 defendant in the DiBono murder.

23 (Marked.)

24 Where is the defendant?

25 MR. FARBER: Judge, I just checked in the back. He

1 is not upstairs yet.

2 THE COURT: Do you want to proceed without him?

3 MS. SHARKEY: I think he would like to be present,  
4 Judge.

5 THE COURT: I can't do anything.

6 Call and find out why they don't have the defendant  
7 here, please.

8 THE LAW CLERK: Yes, Your Honor.

9 MS. SHARKEY: Your Honor, forgive me. I have three  
10 of the four exhibits that the Court referenced. Could I just  
11 get what you ran through again?

12 THE COURT: I have your two briefs.

13 MS. SHARKEY: Okay.

14 THE COURT: I have the letter of the government of  
15 January 31st.

16 MS. SHARKEY: Okay.

17 THE COURT: And I have -- two letters of the  
18 government. One is a very short one, which they say they have  
19 consulted about acid.

20 MS. SHARKEY: Yes. Thank you.

21 (Pause.)

22 THE COURT: The defendant is on his way? Is he in  
23 the building?

24 Ask the clerk to come in, will you please?

25 THE LAW CLERK: Yes, Your Honor.

1 (Pause.)

2 THE COURT: Where is the defendant?

3 THE CLERK: He is in the building. The jurors in  
4 the courtroom and the -- the marshals in the courtroom are not  
5 communicating with the marshals downstairs. So they have him  
6 coming up for 9:30 instead of 9:00 o'clock. They are not  
7 telling them.

8 THE COURT: Ask the marshal to come up, please.

9 THE CLERK: Yes, Your Honor.

10 (Pause.)

11 THE COURT: I am cancelling the suppression hearing  
12 for -- this Thursday, this week, and the following -- this  
13 Friday, rather, this Friday and next Friday I have other  
14 matters and I will not be able to meet you on Carneglia.

15 However, I do want to go ahead with that suppression  
16 hearing which should be very short. Correct?

17 MR. BURLINGAME: Yes.

18 THE COURT: So we will hold the suppression hearing  
19 at 9:00 o'clock Thursday of this week. Can you get your  
20 witness?

21 MR. BURLINGAME: I believe so, Judge. I will check.

22 THE COURT: All right. We will put the suppression  
23 hearing at 9:00 and actually start the hearing at 10:00 --  
24 rather, start this trial at 10:00 o'clock. That will take  
25 care of those problems.

1           The other evidentiary problems I plan to take up  
2 this morning.

3           We have now wasted more than twenty minutes because  
4 the defendant is not here.

5

6           MR. FARBER: I do hear noise in the back now, Judge.

7           THE COURT: Well, I can't do anything until he is  
8 in the front.

9           I want argument very brief in this case this  
10 morning. I have your submissions. The first argument will be  
11 on the use of acid to torture kidnapped person.

12           Bring him in, please.

13           THE MARSHAL: He is just getting dressed.

14           THE COURT: I want him here at 9:00 o'clock in the  
15 seat. I have wasted twenty minutes. I want him here every  
16 day at 9:00 o'clock in his seat.

17           Would you inform the marshal, please?

18           THE MARSHAL: Yes, sir.

19           THE COURT: Dressed.

20           THE MARSHAL: He is just using the bathroom, Judge.

21           THE COURT: Toileted as well.

22           (Pause.)

23           THE COURT: Please tell the jury we are working on  
24 technical problems and we will be with them as soon as we can.

25           THE CLERK: Yes, Your Honor.

1 (The defendant is present.)

2 THE COURT: It is now twenty-nine minutes after  
3 nine. Would you inform the marshal, please, that the  
4 defendant was produced in court twenty-nine minutes late and  
5 we have now started twenty-nine minutes late and my jury is  
6 waiting for an extra half hour. He is to be produced at 9:00  
7 am every morning, in court.

8 Court Exhibit 1, the government has several  
9 cooperating witnesses who will testify that the defendant in  
10 conversations that they heard from the defendant used the word  
11 "acid" in discussing the kidnapping and related torture and  
12 that the defendant advised the witness, at least one, that the  
13 squeezing of acid out of a turkey baster was an effective way  
14 to torture someone.

15 That's a charged incident. It relates to the  
16 circumstances, the motive and the details of the kidnapping  
17 and should come in.

18 Briefly, why does the defendant oppose?

19 MS. SHARKEY: Briefly, Judge.

20 We had previously discussed the inflammatory nature  
21 of the term "acid." The Court had initially precluded that  
22 term in regards to one of the racketeering acts. I guess it  
23 is racketeering act 12.

24 Nothing has changed concerning the inflammatory  
25 nature and the prejudice that would inure to the defendant

1 were the Court to afford the prosecutor's witnesses the  
2 ability to testify to it.

3 THE COURT: No. I have reconsidered the matter, in  
4 view of the fact that this related to a charged offense. It  
5 comes in.

6 With respect to the question of the disposal of the  
7 body, that is not a charged offense. It is only peripherally  
8 related and that stays out.

9 That covers the acid problem.

10 Now I have the question of the issues raised in the  
11 January 31st letter.

12 MS. SHARKEY: Judge, just one other thing on that.  
13 I am not going to belabor the point.

14 We have only received a copy of the photograph of  
15 the foot. I have asked the government for -- to look at the  
16 original a number of times prior to the introduction into  
17 evidence. We really need to see the original.

18 THE COURT: Yes. The original should be produced.

19 MR. BURLINGAME: Of course.

20 THE COURT: I want to look at it myself.

21 Now, with the other problem, series of problems  
22 raised in the January 31st, Court Exhibit 3 letter, Bobby  
23 Borriello's statement that he and the defendant killed DiBono.

24 Bobby Boriello is no longer available. Correct?

25 MR. BURLINGAME: Yes.

1 THE COURT: He is dead?

2 MR. BURLINGAME: He is dead.

3 THE COURT: His admission that he participated in  
4 the killing will come in.

5 With respect to whether the defendant's  
6 participation comes in through Borriello's statement I will  
7 deal with in a moment.

8 Gravano's statement that Borriello and the defendant  
9 killed DiBono is hearsay, right?

10 MR. BURLINGAME: Correct, Judge.

11 THE COURT: That is not coming in.

12 MR. BURLINGAME: Would the Court give the government  
13 an opportunity to lay the foundation once again?

14 THE COURT: Yes. If you change my mind, I will hear  
15 it.

16 Garafola's statement, that John Gotti participated  
17 in the DiBono murder again is based on hearsay of Garafola, is  
18 that correct?

19 MR. BURLINGAME: It is.

20 But the specific context of that was precisely what  
21 Your Honor was looking for.

22 THE COURT: Yes. That generally is out.

23 Now let me get to the specifics.

24 Page two of your letter, the second full paragraph,  
25 that whole paragraph I believe comes in. Gotti Junior



1 informed CW-1 that the defendant and Bobby Borriello were  
2 members of Gotti Junior's crew, would form the hit team with  
3 CW-1 that would carry out the murder of DiBono.

4 Those are direct orders necessary for the gang to  
5 operate, and in view of the continuing conspiracy, it seems to  
6 me they come in. Present intention expressed would also  
7 allow it to come in.

8 MR. BURLINGAME: I apologize. I lost my copy of the  
9 letter. I was wondering if I could borrow your clerk's so I  
10 can follow along?

11 Thank you.

12 THE COURT: When CW-1's initial efforts to find  
13 DiBono failed, Gotti Junior told CW-1 that DiBono had been  
14 located and that CW-1 would be replaced on the hit team by  
15 another cooperating witness CW-2. That comes in for the same  
16 reason.

17 Soon thereafter Gotti Junior told CW-1 that the  
18 reconfigured team, the defendant, CW-2 and Borriello, shot and  
19 killed DiBono in the World Trade Center parking lot comes in.  
20 It is all related to the intimate detailed operations of the  
21 gang.

22 Next paragraph, that the defendant became a member  
23 of the Gambino Family months later in recognition of his work,  
24 I don't know how detailed -- what is he exactly going to say?  
25 That he became a member because he killed?

1 MR. BURLINGAME: He is going to say that -- this is  
2 a cooperating witness who was under Gotti Junior and he is  
3 going to say that Gotti Junior, who was the defendant's  
4 captain at that time, told him that the defendant had become  
5 made and that it was partially in recognition of his status  
6 as --

7 THE COURT: What are the words that will be used?

8 MR. BURLINGAME: I would have to --

9 THE COURT: If the words are sufficiently detailed  
10 and support that, I will allow it; general palaver, no.

11 MR. BURLINGAME: This is the defendant's captain  
12 talking about the defendant --

13 THE COURT: I know what it is. I will allow it.  
14 But it depends upon what explicitly he will say. If he can be  
15 explicit about it and detailed about it, I will allow it as  
16 part of this total incident.

17 Then with respect to CW-2 on page two, in 1990, the  
18 defendant, CW-2, Bobby Borriello, and UM-1 received  
19 information that DiBono, a member of the family they had been  
20 attempting to locate because he had to be disciplined when he  
21 failed to report to John Gotti, Senior, they would -- they  
22 were informed would be driving to the parking garage of the  
23 World Trade Center. That comes in as part of a plan and the  
24 reason for the plan.

25 They set out. The defendant was in one of the two

1 cars. That comes in. It is all details of carrying out the  
2 orders and plans.

3 They drove into the basement to await DiBono's  
4 arrival. That's part of the details.

5 When DiBono arrived, Borriello passed the message to  
6 the defendant via a handheld radio and the defendant rushed to  
7 him and shot him in the head. That all comes in in connection  
8 with a detailed plan ordered and carried out as a part of this  
9 total conspiracy.

10 Next paragraph, months later, the defendant told  
11 CW-2 that he was to be inducted into the Gambino crime family.  
12 That doesn't come in unless he said, I am being inducted in as  
13 partial payment or as a result of a --

14 MR. BURLINGAME: Judge, if I could?

15 The defendant is being charged with participating in  
16 the affairs of the Gambino Family as a made member. His  
17 admission that he became a made member of the Gambino Family  
18 is an admission to the crimes charged. It is not viewed  
19 narrowly just in context of this murder.

20 THE COURT: Months later the defendant told CW-2  
21 that he was to be. That doesn't come in. The fact that he  
22 says he does come in, that he said he was to be. The  
23 information we have is that they don't know in general.

24 MR. BURLINGAME: It's -- it's still an admission of  
25 the defendant of participation in the Gambino Family, that he

1 is expecting to become made. It gets -- it goes directly to  
2 the crime. He is charged with a RICO conspiracy, which is  
3 participating in the Gambino Family, both as an associate and  
4 later as a member.

5 THE COURT: All right. I think you are right. That  
6 does come in. I have it marked "yes" on my letter copy. I  
7 think you are right. That does come in.

8 MS. SHARKEY: Your Honor, before you proceed to the  
9 next paragraph, could I get a clarification?

10 On the first paragraph under CW-2, which the Court  
11 has just been referencing, there is a designation of a witness  
12 as UM-1. That is the first --

13 THE COURT: No. He is not going to be a witness; is  
14 he?

15 MR. BURLINGAME: No.

16 THE COURT: He is not a witness.

17 MS. SHARKEY: Is it unknown male one?

18 THE COURT: Unknown male?

19 MR. BURLINGAME: It is unknown to CW-2.

20 THE COURT: But you know the name?

21 MR. BURLINGAME: I have one cooperating witness who  
22 says that --

23 THE COURT: All right. Give the name to the  
24 defendant.

25 MR. BURLINGAME: We have -- we have information that

1 Anthony Vinciullo was the other member in the car.

2 THE COURT: Thank you.

3 CW-3, page three, CW-3 is a Gambino Family associate  
4 who reported to this defendant. In the fall of 1990, or in  
5 1991 early, the defendant told CW-3 to report in. Apparently  
6 to the defendant. CW-3 arrived. The defendant took him into  
7 the defendant's backyard and told him that he had been ordered  
8 by John Gotti, Senior and Gravano to kill DiBono because  
9 DiBono had failed to report and the defendant informed CW-3  
10 that he was supposed to kill DiBono with Borriello. Borriello  
11 was being unreliable and CW-3 might need to assist. CW-3  
12 agreed.

13 This all comes in as the plan to carry out the work  
14 of the conspirators in this racketeering mob.

15 Soon thereafter, the defendant told CW-3 that he  
16 killed DiBono by shooting him in the head and details and that  
17 he would become a made member because of an award for carrying  
18 it out. That all comes in. It indicates why CW-3's further  
19 participation was not needed and is the details in operating  
20 the conspiracy.

21 Recording device under T-III, ten months before the  
22 DiBono murder, Gotti Senior told the consigliere Locascio that  
23 DiBono would die because he refused to come in. It shows a  
24 plan, motive and the detailed workings necessary in the  
25 operation. It comes in.

1           Other evidence, law enforcement, lay witnesses, will  
2 testify, significant aspects of CW-2's account. How do they  
3 know that?

4           MR. BURLINGAME: These are people who were on the  
5 scene, working the garage, the crime scene investigators.

6           THE COURT: That comes in. That is corroboration,  
7 directly observed, I take it by themselves?

8           MR. BURLINGAME: Correct.

9           THE COURT: Michael DiLeonardo's prior testimony  
10 under B, you have listed what he's already testified to.

11          MR. BURLINGAME: Correct.

12          THE COURT: On pages three and four.

13          Now, in the bullet item, penultimate paragraph on  
14 page four, you have Borriello told DiBono that he and the  
15 defendant killed DiBono during a conversation between the two  
16 men in the months following DiBono's murder and Borriello's  
17 death. I don't remember that coming in.

18          MR. BURLINGAME: It actually -- I think it -- Your  
19 Honor will probably -- will properly strike it given your  
20 rulings on Friday. But it does appear in the record and was  
21 not struck. Ms. Sharkey moved to strike it and Your Honor --  
22 it included his statement that they were just talking, so Your  
23 Honor said, this you want in. You don't want it struck. But  
24 the latter part of the statement was we were just talking.

25          THE COURT: It is out.

1 MR. BURLINGAME: Right.

2 THE COURT: That is out.

3 You moved to strike it?

4 MS. SHARKEY: I did. And I do.

5 THE COURT: Do you want the government to say, under  
6 the -- do you want me to say it?

7 MS. SHARKEY: Say? I just move to strike now. I  
8 don't think you need a curative instruction in front of the  
9 jury.

10 THE COURT: What shall I say? I strike the  
11 testimony?

12 MS. SHARKEY: Yes.

13 THE COURT: And describe the testimony?

14 MS. SHARKEY: No. I strike the testimony -- perhaps  
15 something like this. Ladies and gentlemen, you heard a series  
16 of objections which were largely sustained. One objection to  
17 this testimony was not sustained at the time it was made. It  
18 should have been. That testimony is stricken.

19 THE COURT: Okay. Without any details, if that's  
20 what you want, that's what I will do.

21 MS. SHARKEY: Thank you.

22 THE COURT: Now, the last bullet on page five. I am  
23 not -- that should have been stricken too, I believe?

24 MS. SHARKEY: Yes, Your Honor.

25 THE COURT: So that all comes within the generic

1 striking statement you want without details?

2 MS. SHARKEY: Yes.

3 MR. BURLINGAME: I don't believe that's correct,  
4 judge. This was thought specifically -- it wasn't referencing  
5 the defendant was a participant in the -- this was just my  
6 attempting to lay the foundation by saying, do you have a  
7 specific recollection of your discussion.

8 THE COURT: It is out. The part of that is  
9 stricken. The defendant doesn't want me to relate. I won't  
10 relate in detail, but you won't refer to it in any argument.

11 That suffices, defense counsel?

12 MS. SHARKEY: Yes, Your Honor.

13 THE COURT: Page six, I am making notes on this  
14 letter. It will be part of the Court Exhibit 3.

15 DiLeonardo's expected testimony about the Gammarano  
16 and Marino murder conspiracy, the first full paragraph comes  
17 in. It's all details about how that was to be carried out.

18 The second paragraph there I have some question  
19 about. DiLeonardo will explain based on the defendant's past  
20 history of violence, history that he knew included the  
21 defendant's faithful execution of the DiBono murder, that's  
22 out.

23 He and Gotti had complete faith that the defendant  
24 would kill and that he could be trusted to keep silent about  
25 the matter.



1           He can say that he had faith in him, but I don't  
2 want him to say that he knew about the defendant's faithful  
3 execution of the DiBono murder. Because I kept that out.

4           MR. BURLINGAME: Correct. This will be part of the  
5 foundation that I am going to --

6           THE COURT: That's out. He is not to say anything  
7 about his knowledge of DiBono's murder.

8           MR. BURLINGAME: Correct.

9           What I am anticipating is that I am going to try and  
10 relay the foundation and then I will alert the Court I would  
11 like to now ask the following questions. If Your Honor feels  
12 the foundation has been --

13          THE COURT: I do not want the DiBono murder  
14 testified to by DiLeonardo.

15          MR. BURLINGAME: The --

16          THE COURT: DiLeonardo has no direct knowledge of  
17 the murder.

18          MR. BURLINGAME: Excluding the Garafola statement,  
19 which I believe Your Honor said you would evaluate. There are  
20 three different statements. Only one -- two of which we  
21 addressed on Thursday, one of which is still to come. That's  
22 the one that comes up in the context of who Gravano is ratting  
23 on. It is a very specific conversation about Gambino Family  
24 business.

25          THE COURT: No, I don't want it. We have enough

1 direct testimony and other material on DiBono. I don't want  
2 it. It gets too complex.

3 That second paragraph is out under 403 and for the  
4 reasons I've already told you about.

5 The first paragraph is in.

6 The defendant's role within the Gambino Family, in  
7 general, I will allow it, that they were part of the elite  
8 group, but no details beyond that.

9 Paragraph marked three on page seven.

10 MS. SHARKEY: Judge, for clarification for me,  
11 forgive me, they were part of the elite group, period?

12 THE COURT: That's right. An elite group to commit  
13 murders and other acts of violence, yes.

14 MS. SHARKEY: You are allowing that latter part in?

15 THE COURT: Yes.

16 MS. SHARKEY: Exception.

17 THE COURT: Is that clear?

18 MR. BURLINGAME: Yes, Judge.

19 THE COURT: First bullet under the DiBono murder,  
20 Borriello's admission that he participated in the killing of  
21 DiBono comes in. Declaration against interest, in addition to  
22 everything else. Correct?

23 MR. BURLINGAME: Correct, Judge.

24 And I believe --

25 THE COURT: Not that he committed it with the

1 defendant.

2 MR. BURLINGAME: Judge, I believe the -- the case  
3 law is that unless there is some indicia that his admission as  
4 to himself would be in some way --

5 THE COURT: Yes, I understand it could come in. I  
6 am keeping it out under 403. We have a very complex series of  
7 admissions. I am allowing some in and some out. I think we  
8 have a more clean-cut presentation if I keep that out.

9 MR. BURLINGAME: I would object. I think it  
10 properly comes in. It's the -- it's direct -- it is evidence  
11 that is properly admissible of the defendant participating in  
12 a charged crime. I think it should be up to the government to  
13 decide whether it has sufficient evidence to prove the  
14 charges.

15 THE COURT: No. I don't want it.

16 Under 403, I exercise my discretion here. It's a  
17 very old crime and there is enough direct evidence that you  
18 don't need it, and the defendant cannot really defend against  
19 it.

20 MR. BURLINGAME: It -- it just also -- I mean,  
21 the -- as Ms. Sharkey opened on, the case is going to be about  
22 discrediting our cooperating witnesses. The strength of this  
23 testimony is not so much that it goes to proving the defendant  
24 committed the murder but that it's another piece of  
25 corroboration for what the cooperating witnesses are going to

1 testify to.

2 THE COURT: I don't believe that's a basis for  
3 changing my mind.

4 First bullet under the DiBono murder, Borriello  
5 admitted to DiLeonardo that he and the defendant killed  
6 DiBono. You have my view of that. It comes in as to  
7 Borriello's participation but not the defendant's.

8 Bullet --

9 MR. BURLINGAME: Judge, to clarify. Will I be able  
10 to ask whether he stated that anyone else participated in the  
11 murder with him, just so it doesn't --

12 THE COURT: He and others.

13 MR. BURLINGAME: So it doesn't confuse the  
14 testimony.

15 THE COURT: He and others.

16 MR. BURLINGAME: Okay.

17 THE COURT: Second bullet, that whole paragraph  
18 comes in. It is details of the disciplinary reason for  
19 killing DiBono.

20 MS. SHARKEY: Respectfully, Judge, I would ask that  
21 the Court consider the extraneous nature of this particular  
22 paragraph. That -- the Court has allowed that in in another  
23 way through the Ravenite tape. This is going off on to  
24 another tangent with this witness via, I believe, Mr. Gravano.

25 I think it's unnecessary. I think it is confusing.

1 I think the Court should leave it out.

2 THE COURT: No, it is not unnecessary. I think it  
3 is strongly confirmatory and the government is entitled to put  
4 it in.

5 MR. BURLINGAME: And, Judge, just to make sure I am  
6 clear, the last sentence of this bullet that you are referring  
7 to is following DiBono's murder, Gravano informed DiLeonardo  
8 that the defendant and Borriello carried out the hit.

9 THE COURT: That is out. Again, for the same reason  
10 I took out the first bullet.

11 MR. BURLINGAME: But it is part of this -- the  
12 reason why I believe Your Honor just allowed in the rest of  
13 this paragraph is because it is part of a larger course of  
14 conduct. That's the end of the story.

15 THE COURT: I don't want it. I have already  
16 indicated that on numerous occasions and this is just  
17 another --

18 MR. BURLINGAME: That's why I wanted to clarify.

19 THE COURT: Yes. I have now clarified it.

20 Third bullet, that comes in. It is part of internal  
21 discipline.

22 Fourth bullet, that's out.

23 MR. BURLINGAME: Judge, that's the one that I had  
24 asked to be allowed to just lay down the foundation.

25 THE COURT: All right. Go ahead and talk about it.

1           MR. BURLINGAME: The way that the witness will  
2 testify about this is that after Gravano started cooperating,  
3 there was -- he had a specific discussion with Edward  
4 Garafola, who was his closest associate in the Gambino Family,  
5 about this son for a son deal between Gotti Senior and  
6 Gotti Junior, where Gotti Junior, who was part of -- who was  
7 the one who later testimony will establish ordered the DiBono  
8 hit, was being -- was being excluded from Gravano's  
9 cooperation by Gravano in exchange that Gravano's son who was  
10 an innocent civilian would be left out of -- wouldn't be  
11 killed by the Gambino Family.

12           So the idea was, this -- this specific conversation  
13 about the son for a son deal between Gotti Senior -- I mean,  
14 between Garafola and DiLeonardo, they got into the topic of  
15 who Gravano was ratting on and who Gravano was sparing. And  
16 Gotti Junior, the defendant's captain, was one of the people  
17 being spared for his role in the DiBono murder, which as I  
18 laid out the other testimony will establish he ordered the  
19 defendant to commit, and then they naturally in the course of  
20 that conversation move on to the defendant also appeared to be  
21 being spared by Gravano and that that was an  
22 exceptional -- that was an exceptional thing and the  
23 foundation that I am planning on laying out is, is it  
24 important to know who -- who the rats are, who the rats are  
25 ratting against, why is that information valuable. Because

1 you don't want to go committing Gambino Family business with  
2 guys who are about to be arrested.

3 That's the core of the Gambino Family's business, is  
4 determining who is in trouble with law enforcement and who is  
5 not, and this conversation takes place before DiLeonardo and  
6 the defendant then participate in the murder conspiracy for  
7 Gravano and Marino, which Your Honor has already ruled comes  
8 in. This goes directly to DiLeonardo determining whether or  
9 not he is going to get involved in continuing murder  
10 conspiracies with the defendant, which is part of their core  
11 oath of the Gambino Family, and so I think that goes directly  
12 to furthering the conspiracy.

13 It is crucial information to. DiLeonardo and -- and  
14 goes directly to what's charged here, which is the agreement  
15 to commit, to participate in Gambino Family crimes, which the  
16 next one that came up for them with the defendant was this  
17 murder conspiracy against Gravano and Marino.

18 MS. SHARKEY: Your Honor, if the government is  
19 allowed to bootstrap that in through this rationale, all of  
20 the Court's previous rulings in attempting to structure this  
21 complicated hearsay are for naught. This is even a step  
22 further out with hearsay on hearsay on hearsay. It is  
23 conversations between Gravano and DiGarafola that are  
24 then -- I'm sorry -- Garafola, that are then purportedly made  
25 to DiLeonardo.

1           So you have a third insulation of hearsay in this  
2 final application of the government in trying to afford this  
3 witness to testify that he had knowledge that Mr. Carneglia  
4 participated in the murder of Louis DiBono.

5           THE COURT: Yes. I agree with defense. That  
6 paragraph is out, insofar as it relates to the DiBono murder.  
7 For other aspects, it may come in.

8           MR. BURLINGAME: Judge, I understand Your Honor's  
9 made the ruling and I don't want to belabor the point. But I  
10 think the most salient argument that we made in our papers was  
11 that the DiBono murder, I understand that the -- the Second  
12 Circuit's rulings in Gigante and other cases, warn against  
13 letting in coconspirator statements based on the theory these  
14 two guys are both part of La Cosa Nostra, these two guys are  
15 just part of the Gambino Family.

16           But I think the specifics of the DiBono are such an  
17 unusual murder because it is about enforcing the rules of the  
18 Gambino Family. The guy was killed because he violated one of  
19 the rules that they swear to in their oath. So I think  
20 spreading the word about what happened is a core function of  
21 being part of the conspiracy.

22           It's the -- I have a series of foundational  
23 questions with DiLeonardo about is it important for the boss  
24 to be respected. Is it important for the boss to know his  
25 ruling -- that his rules were going to be respected. What's



1 the penalty for that? To get killed. When someone is killed  
2 for violating the rules, is it important that the word  
3 spreads?

4           You know, this is the context in which people are  
5 talking about the DiBono murder, is to the core of what the  
6 conspiracy is about. It's what they swear to when they enter  
7 the family. And I think that that reason puts this squarely  
8 within the in furtherance line of cases rather than the  
9 chitchat line of cases.

10           THE COURT: Well, I appreciate the force of your  
11 argument. I am allowing you very wide leeway in putting in  
12 evidence of the reason why DiBono was being killed and all of  
13 the preliminaries, but not the discussion of the defendant's  
14 participation except as a person observed or had direct  
15 knowledge. I think it's fairly clear.

16           I am exercising my Rule 403 discretion. I do  
17 concede that the government has a powerful argument, but it  
18 doesn't overpower my ruling or the defendant's.

19           MR. BURLINGAME: I understand, that judge.

20           If --

21           THE COURT: I commend you for your argument.

22           MR. BURLINGAME: Thank you, Judge.

23           Would it be possible for the Court to just give me  
24 five minutes before the jury comes in to rework the direct  
25 because I have hundreds of foundational questions about laying

1 out the foundation for these to get in the statements?

2 THE COURT: Yes, you may.

3 We will take a five-minute break.

4 MS. SHARKEY: Before we break, Judge, the court had  
5 asked me about the instruction to the jury. The reason  
6 obviously I don't want you to go over the Q and A is the  
7 prejudice. But I would like you to explain --

8 THE COURT: Write out exactly how you want me to  
9 give it.

10 MS. SHARKEY: Thank you.

11 THE COURT: I appreciate your tactical problem.

12 MS. SHARKEY: Thank you, Judge.

13 MR. BURLINGAME: Judge --

14 THE COURT: I will give your instruction, if it is  
15 reasonable.

16 MR. BURLINGAME: One other matter. We just wanted  
17 to, before the -- the next cooperating witness after  
18 DiLeonardo will be the first one who will be able to testify  
19 about the body disposal. We wanted to get a clear sense of  
20 the boundary of the Court's rulings. Obviously the word  
21 "acid" is out. The question is, is it just the word "acid."

22 Can we say, did the defendant have a unique means  
23 for disposing of body?

24 THE COURT: No. The defendant helped dispose. I  
25 don't want to go into the technique.

1           MR. BURLINGAME: The question, at least for  
2           corroboration sake -- it is --

3           THE COURT: What's the question?

4           MR. BURLINGAME: The power of the testimony is that  
5           its unique way of disposing of bodies. What we would be  
6           able -- what we would ask, would we be able to say something  
7           of, did the defendant have a means of disposing of bodies that  
8           involved liquid or did the defendant have a means of disposing  
9           bodies that was unusual, that he felt was better than others,  
10          that he -- because otherwise you just lose the force of all  
11          the corroboration of this bizarre thing which is -- which the  
12          bizarrrity of it is what gives it the corroborative value.

13          THE COURT: Yes.

14          MR. BURLINGAME: If you want, we can submit a  
15          few -- I haven't thought about that. We can submit some  
16          questions for Your Honor to consider this evening. I don't  
17          think we will get to it today.

18          THE COURT: I don't want -- I don't want that  
19          approach. They can testify that he did help dispose of the  
20          body and they have very clear recollection because of the  
21          method of disposal, but nothing beyond that.

22          MR. BURLINGAME: And one of the later witnesses,  
23          Your Honor, that I recall from our papers, he learns about the  
24          disposal of the body first because he's helping clean out this  
25          house and he knocks over one of the barrels of acid.

1 THE COURT: No.

2 MR. BURLINGAME: You know, can we get into without  
3 obviously getting into the he knocked over a barrel of liquid,  
4 can we get into that story and how that led to him --

5 THE COURT: No.

6 MR. BURLINGAME: That's a clear answer.

7 THE COURT: All right. Take five.

8 MR. BURLINGAME: Thank you, Judge.

9 THE COURT: Threats made to Albert Gelb, Court  
10 Exhibit 2.

11 It is not clear to me that the testimony is  
12 testimony that Charles Carneglia made the admission.

13 MR. BURLINGAME: Where are you, Judge? Sorry.

14 THE COURT: We are in Court Exhibit 2, memorandum of  
15 the defendant with respect to threats made to Albert Gelb.

16 MR. BURLINGAME: Judge, we would ask for the  
17 opportunity to be able to brief the issue.

18 THE COURT: You want to brief it?

19 MR. BURLINGAME: Yes.

20 THE COURT: Okay.

21 MR. BURLINGAME: The brief --

22 THE COURT: I have to know exactly what's being  
23 testified to because this memorandum is ambiguous. At one  
24 point it seems to me to suggest that --

25 MR. BURLINGAME: That's not our memorandum. That's

1 the defendant's memorandum.

2 THE COURT: The defendant's memorandum.

3 MR. BURLINGAME: Okay.

4 THE COURT: At one point it seems to suggest that it  
5 was Charles Carneglia himself who made the threat and at other  
6 points that it was friends of Charles Carneglia who made the  
7 threat.

8 If there is proof that Charles made the threat, that  
9 comes in.

10 MR. BURLINGAME: That will be the proof. And I --

11 THE COURT: If that's the proof, then that comes in.

12 MR. FARBER: Judge, there is also 3500 material that  
13 indicates that there were purported threats made by  
14 individuals other than Mr. Carneglia.

15 THE COURT: No. I don't want those in.

16 If Charles Carneglia himself made the threats, that  
17 clearly comes in, I believe.

18 MR. BURLINGAME: Right.

19 THE COURT: But others I don't want.

20 Thank you.

21 MR. FARBER: Will the government give us an offer of  
22 proof in advance?

23 THE COURT: They will. In their brief, they will  
24 specify just what they plan to prove on the threats.

25 MR. BURLINGAME: Of course, Judge.

1           One second, Judge.

2           (Pause.)

3           MR. BURLINGAME: We are good, Judge. Thank you.

4           THE COURT: Okay. Five.

5           MR. BURLINGAME: Judge, so we are not -- I didn't  
6 think it was -- we -- I thought we'd be able to cover it in  
7 our brief. But -- why doesn't Mr. Norris explain?

8           MR. NORRIS: Just to be clear on the threats issue,  
9 Your Honor, if -- we will brief the additional threats tonight  
10 or tomorrow. But with respect to direct admissions by -- from  
11 the defendant to a cooperating witness with respect to any  
12 threats that he or anyone else may have made to Gelb, I just  
13 want to be clear that there is no issue with the government  
14 eliciting those threats? The direct admissions?

15          THE COURT: I'm sorry. I don't understand your --

16          MR. NORRIS: The cooperating witness will testify  
17 that the defendant prior to Gelb's murder, that the defendant  
18 told him --

19          THE COURT: If the defendant said anything, that's  
20 an admission. That comes in --

21          MR. NORRIS: Okay.

22          THE COURT: -- as an admission. There is no problem  
23 with that.

24          MR. NORRIS: Okay.

25          (Recess taken.)

1 (In open court; jury not present.)

2 THE COURT: Counsel for the government: Mark, as  
3 Court Exhibit 5, the note of defense counsel and how she wants  
4 the Court to instruct the jury.

5 She wanted to use the word "gossip," which I prefer  
6 not to use. In place of "gossip," I would use "Peripheral  
7 discussions of the witness with alleged members of the Gambino  
8 Crime Group."

9 Is that satisfactory?

10 MR. FARBER: If I could reserve until Ms. Sharkey  
11 gets back?

12 MR. BURLINGAME: Could I actually read it, your  
13 Honor?

14 (Pause.)

15 THE COURT: Speak for the record. Don't whisper to  
16 me.

17 MR. BURLINGAME: Sorry. I would object to the last  
18 sentence as being redundant and cumulative.

19 THE COURT: Yes. That comes out. They don't have  
20 to know why I'm doing it.

21 All right. The other member of the defense team is  
22 here. Would you look at Court Exhibit 5 as amended, please.  
23 Do you approve?

24 MS. SHARKEY: Yes.

25 I didn't see this part. Sorry.

1 Thank you, your Honor.

2 THE COURT: All right.

3 Bring in the jury, please.

4 Have the witness come and take the stand first,  
5 please.

6 (Pause.)

7 MS. SHARKEY: Are you using the chart? If you're  
8 not, if you can take it down?

9 MR. BURLINGAME: We are going to be using it. Would  
10 it be helpful if we moved it this way or that way?

11 THE COURT: Why don't you move it in the direction  
12 of the spectators, so it doesn't block me or the spectators.

13 Tip it towards the jury.

14 That's fine.

15 MS. SHARKEY: Thank you, your Honor.

16 MR. BURLINGAME: Do you have a preference as to  
17 whether you want counsel at the table or podium when the jury  
18 comes back in for witnesses?

19 THE COURT: I'm sorry?

20 MR. BURLINGAME: Do you have a preference if you  
21 would like me to stay at the table or at the podium?

22 THE COURT: Wherever you are comfortable is fine.

23 M I C H A E L D I L E O N A R D O,

24 called as a witness, having been previously duly

25 sworn, was examined and testified as follows:



1 THE COURT: Would you tell the marshals to bring in  
2 the jury. The witness is now in place.

3 (Jury present.)

4 THE COURT: Be seated, please.

5 Good morning, ladies and gentlemen.

6 THE JURY: Good morning.

7 THE COURT: I appreciate your all getting in on  
8 time, and I apologize for having kept you, but we had a number  
9 of technical problems we had to work out, and I didn't want  
10 you participating in them.

11 First, the witness is still under oath. Do you  
12 understand, sir?

13 THE WITNESS: Yes, sir. Yes, your Honor.

14 THE COURT: Last week, I sustained a number of  
15 objections by the defense concerning peripheral discussions of  
16 this witness with alleged members of the Gambino Crime Group  
17 that this witness heard in the course of his association with  
18 those members. I sustained those objections.

19 I now emphasize that testimony is stricken and you  
20 are to disregard it. That's the testimony with respect to  
21 what he heard with respect to the defendant's activities. All  
22 right. You all understand?

23 They all nodded in affirmance.

24 You may continue.

25 Incidentally, before we start, so I won't forget to

1 tell you, we do have some storm warnings for tonight, and  
2 tomorrow for snow. I've just checked the latest weather. But  
3 I don't think they are significant enough at this time to  
4 cancel. So, tomorrow, you'll be here at 9:30

5 Now, Thursday, we have other matters that are going  
6 to delay your participation, so I don't want you in at 9:30,  
7 but 10:00 o'clock will be sufficient on Thursday.

8 Okay. Proceed, please.

9 MR. BURLINGAME: Thank you, your Honor

10 DIRECT EXAMINATION (Continued)

11 BY MR. BURLINGAME:

12 Q Good morning.

13 A Good morning.

14 Q Before we stopped last week, you had just testified that  
15 the defendant was feared by members of the Gambino Family  
16 because he was a killer?

17 Are you aware of any time when the defendant himself  
18 thought that he would be killed by other members of the  
19 Gambino Family?

20 A Yes. One night, he came into Richie's club, which was  
21 off 101st Avenue --

22 Q Who is Richie?

23 A Richie Gotti. -- and Charles -- Junior had told me  
24 Charles hadn't been around, had been drinking on a binge, and  
25 he was looking for him to come in.

1 MS. SHARKEY: I'm sorry. I can't hear this witness.

2 THE WITNESS: I know. Something is wrong with this.

3 MR. BURLINGAME: Would it be possible to turn up the  
4 microphone for the witness?

5 THE COURT: Yes.

6 THE COURT: Is that mike on?

7 Speak into it, please.

8 THE DEFENDANT: Dead.

9 THE COURT: Say something, please.

10 No.

11 THE COURT: All right. Speak as loudly as you can.

12 THE WITNESS: Okay.

13 BY MR. BURLINGAME:

14 Q If you could start the story over, and speak as loudly as  
15 you can.

16 MS. SHARKEY: Objection to the form of the question.  
17 Start the story over.

18 THE COURT: Overruled.

19 Q You were explaining that there was an incident in which  
20 the defendant was in fear that he himself might be killed?

21 MS. SHARKEY: Objection.

22 THE COURT: Overruled.

23 A Yes.

24 Junior was -- John, Jr. was looking for Charles. He  
25 said he was on a drinking binge. One night, he came to the

1 club with his -- to Richie's club, Richie Gotti's club.

2 Q When you say "he," who are you referring to?

3 A Charles.

4 Q Came with his keys to his car in his hand?

5 A All right. I'm here. Do whatever you want. John, what  
6 do you mean? What happened? Things to that. He thought like  
7 he was not coming in and he would get killed for that, but  
8 John laughed it off.

9 MS. SHARKEY: Objection.

10 THE COURT: I'll allow it.

11 Q Did the defendant appear serious in thinking that he will  
12 be killed?

13 A Yes. He was calm, as usual.

14 Q I'm sorry?

15 A Yes. He was calm, as usual.

16 Q You said he was on a binge. Do you know the defendant to  
17 be a heavy drinker?

18 A At times.

19 Q Did you know any other heavy drinkers within the Gambino  
20 Family?

21 MS. SHARKEY: Objection as to relevance.

22 THE COURT: I'll allow it.

23 A Joseph Corozzo was the consigliere. He just had gotten  
24 the job as consigliere, and Pete Gotti was complaining to me,  
25 A lot of captains were saying that Jo Jo was drinking too

1 much, and he had told me that point that he made a mistake  
2 picking him, because I said I had refused that position, and  
3 he says, He's there because of you. It's your fault. So,  
4 that's one guy.

5 Q Joseph Corozzo had a serious drinking problem, but he  
6 became consigliere?

7 A Yes.

8 Q Anybody else?

9 A Arnold Squitieri, before he went to jail, was rumored to  
10 be a cokehead and heavy drinker. John was mad at him -- John,  
11 Sr. -- for that.

12 Q What was his position?

13 A At the time, he was an associate, and later, he became  
14 underboss.

15 Q Again, consigliere and underboss, those are part of what?

16 A The administration.

17 Q And that's the ruling body of the family?

18 A That's correct.

19 Q So, these two individuals were able to attain two of the  
20 highest ranks in the family despite drug and alcohol problems?

21 A Correct.

22 Q Are there other members of the Gambino Family with drug  
23 or drinking problems?

24 A Tony Roach Rampino, who was an associate and very close  
25 to John, Sr., was a heroin junkie at one time.

1 Q How did John Gotti, Sr. feel about drug use?

2 A Well, he says he hated it. I could give you an example  
3 with myself, one incident, if you like.

4 Q Sure.

5 MS. SHARKEY: Objection.

6 THE COURT: I'll allow it.

7 A About a week or so before I got straightened out, Paulie  
8 Zac came and see me and said we had to go out and see John,  
9 Sr., and John, Sr. was -- on Sunday night, he was playing  
10 cards.

11 When we walked in, said hello. He got up, took me  
12 outside. He said, I heard a rumor you were a cokehead. I  
13 said, John, if I'm a cokehead, you can chop my head off. He  
14 told me, Don't worry, I will.

15 That was a week or so before I got straightened out,  
16 and that's how he felt about drug use at that point.

17 Q But he kept Tony Roach as one of his closest associates  
18 despite being a junkie?

19 A Correct.

20 Q What was Roach's primary value to the family?

21 MS. SHARKEY: Objection.

22 THE COURT: I'll allow it.

23 A Roach was part of John, Sr.'s inner circle, also. He was  
24 also a killer.

25 Q Does Jo Jo Corozzo have any brothers?

1 A Yes.

2 Q Do either of them have drinking problems?

3 A Jo Jo Corozzo have another brother?

4 Q Yes.

5 A He has Nicky, and who is straightened out, and Blaise  
6 Corozzo.

7 Q Did Blaise Corozzo have problems with drugs or alcohol?

8 A I don't think so.

9 Q Johnny Gammarano?

10 A Johnny G, long-time soldier. He was under me for a  
11 little while. Johnny G was a drunk. That incident with Joe  
12 Watts and the construction beef.

13 Q Did being a drunk hinder Johnny Gammarano's ability to  
14 successfully operate in the Gambino Family?

15 A No, but he got blasted a couple of times about being a  
16 drunk. He still handled everything, and quite well.

17 Q Are you familiar with Tony Graziano?

18 A Yes. He's a captain with the Bonanno Family. TG, we  
19 call him.

20 Q Do you know if he had any drug or alcohol problems?

21 A Big cokehead. He was a big cokehead.

22 Q But he remained a captain in the Bonanno Family despite  
23 being a cokehead?

24 A Yes.

25 Q Was he penalized for his drug use that you know of?

1 A No.

2 Q Did the defendant ever talk with you about getting a  
3 prison sentence?

4 MS. SHARKEY: Objection.

5 THE COURT: I'll allow that question.

6 Q What did he tell you?

7 MS. SHARKEY: Objection.

8 THE COURT: His own sentence?

9 MR. BURLINGAME: Correct.

10 THE COURT: In the future or in the past?

11 MR. BURLINGAME: In the future.

12 THE COURT: All right. I'll allow that.

13 A Yes. He was kibbitzing with a friend of mine, Tommy  
14 Cherbino, associate of mine. I heard them talking if they  
15 ever got a life sentence, they would stand up in front of the  
16 judge when they got life and try to snap their necks.

17 Q Do you know if the defendant carried any weapons with  
18 him?

19 A He carried a knife with him.

20 Q How do you know?

21 A I seen it.

22 Q Who were the soldiers in the Gambino Family who were  
23 closest to the defendant?

24 A Soldiers?

25 Q Yes.



1 A Junior, Charles -- Jackie Cavallo and Tommy Sneakers.

2 Q What was Jackie Cavallo's position?

3 A He later attained the captain position. That is what I  
4 heard when I came back from Atlanta.

5 Q What about Tommy Cacciopoli?

6 A He was a captain.

7 Q What about John Gotti, Jr.?

8 A He was a captain on the committee.

9 Q When you say "committee," what do you mean?

10 A Ruling party after John, Sr. went to jail.

11 Q Shortly after Louie DiBono was murdered, did anything  
12 happen to John Gotti, Sr.?

13 A John was arrested December of '90.

14 Q Who was he arrested with?

15 A Tommy Gambino, who was a captain. Sammy Gravano was the  
16 underboss, and Frank Locascio was consigliere.

17 Q Underboss and consigliere, they are part of the  
18 administration?

19 A That's correct.

20 MR. BURLINGAME: Permission to approach, your Honor?

21 THE COURT: Yes.

22 You need not ask.

23 MR. BURLINGAME: Sorry, your Honor.

24 Q I'm showing you Government's Exhibit 2-DDD. Can you tell  
25 me who that is?

1 A Terrible picture. That's Frank Locascio.

2 Q What did you say the highest position he attained in the  
3 Gambino Family was?

4 A Highest official was consigliere.

5 Q Following his arrest, was John Gotti, Sr. incarcerated?

6 A Yes.

7 Q What changes, if any, did this cause in the leadership of  
8 the Gambino Family?

9 A Well, the whole administration was put out of action on  
10 the street. So, John, Sr. put a panel together, or a  
11 committee, which started out with five members.

12 Q Who were those five members?

13 A John Gotti, Jr., Pete Gotti, Jimmy Fiala, Jimmy Brown  
14 Fiala, Lou Vallario and Jackie D'Amico.

15 Q Did John Gotti, Sr. remain the boss?

16 A Yes.

17 Q Did he still run the family?

18 A Yes.

19 Q So, what was the role of the ruling committee?

20 A Take care of the street affairs, being he was  
21 incarcerated. These guys go out and handle the beefs with  
22 other families and maintain control in our family.

23 Q How could John Gotti, Sr. run the family in jail?

24 A When he was at MCC, he ran it through his son John Gotti,  
25 Pete Gotti, Jackie Nose and occasionally through lawyers.

1 Q How would he be able to communicate?

2 A Through visits.

3 Q What was John Gotti, Jr.'s role on the ruling committee?

4 A He was a captain and supposed to stay in the background,  
5 disseminate all the information he got from the other captains  
6 and other committee guys, and bring it to his father or make a  
7 decision.

8 Q Did anyone tell you to stay close to John Gotti, Jr. at  
9 this time?

10 A Yes.

11 Q Who?

12 A Jackie Nose had told me John, Sr. wanted me to stay close  
13 to his son, and also Junior told me his father's wishes were  
14 that.

15 Q Did John Gotti, Jr. tell you why he wanted your  
16 assistance?

17 MS. SHARKEY: Objection to form.

18 THE COURT: I'll allow it.

19 A Yes. I knew a lot of the members since I'd been around a  
20 lot longer and around a lot more people and had a lot of  
21 respect for the old-timers, and he wanted me to advise him, be  
22 an advisor in the background with him.

23 Q You testified that John Gotti, Jr.'s instructions were to  
24 stay in the background. Why was that?

25 A His father didn't want to put him in compromising

1 positions, go argue with other families or get in a bad light  
2 with our own captains. He was a young man still, still  
3 learning. Nepotism. There was some things going on in our  
4 family with guys getting clipped and we didn't know where it  
5 was coming from, so John wanted his son not to make any  
6 enemies.

7 Q And did John Gotti, Junior initially stay in the  
8 background?

9 A Yes.

10 Q Did that change at some point?

11 A Yes. After April 13 of '91, Bobby Boriello got murdered,  
12 and it was another mystery in the family.

13 Q Why did that change things?

14 A Boriello was John's acting captain at the time, and also  
15 John had baptized his sons, one of his sons, Boriello.

16 Q You mean John Gotti, Jr.?

17 A John, Jr., yes. Very, very close. The both of us took  
18 it very, very hard, his murder.

19 Q Did you attend Bobby Boriello's wake?

20 A Yes.

21 Q Did many of the members of the Gambino Family attend the  
22 wake?

23 A Yes.

24 Q Can you name some of the people you remember who were  
25 there?

1 A Yes. Jackie Nose, Dom Borghese, Charles.

2 Q When you say "Charles," you mean the defendant?

3 A Yes. Cavallo. Just about the whole family.

4 Q Cavallo, you mean John Cavallo, Jackie Cavallo?

5 A Jackie Cavallo.

6 Q You mentioned Sam Gravano was arrested with John Gotti.

7 What did he do after his arrest?

8 A What did Sammy Gravano do?

9 Q Yes.

10 A I would say about eleven months later, he cooperated with  
11 the government.

12 Q So, when did you first learn that he became a cooperating  
13 witness?

14 A When it hit the newspapers and the radio.

15 Q Do you remember approximately the date?

16 A I believe it was sometime in November.

17 Q What year?

18 A '91.

19 Q How did it affect you when you learned that Sammy Gravano  
20 had become a cooperating witness?

21 A Multiple feelings. First, I was devastated by the fact  
22 that he cooperated. Then I knew the whole family was going to  
23 be in trouble. Sammy knew everything about everybody, and  
24 Sammy had done a lot of work and would put a lot of people in  
25 jail.

1 Q What was of the general reaction of his cooperation with  
2 the Gambino Family?

3 A I would say panic.

4 Q Was there any fallout of his cooperation in his crew?

5 MS. SHARKEY: Objection to form.

6 THE COURT: I'll allow it.

7 A After some time went by, after he cooperated, it was  
8 thought that the guys that were going to visit Gravano in MCC  
9 while he was being held in with John, Sr. might have known  
10 that he was going to cooperate and didn't report it. So, with  
11 that, there was a campaign started out that they wanted to  
12 clip those three guys that were going up on the visits.

13 Q When you say "clip," what do you mean?

14 A Kill them.

15 Q Who was pushing this idea to kill these three individuals  
16 the hardest?

17 A They were all lobbying. Junior was, Jimmy, Brown Fiala,  
18 Danny Marino and Joe Watts was on one side. The other faction  
19 was Nicky Corozzo from Canarsie. They were going after John  
20 pretty hard to kill these guys, set an example.

21 Q This is the same Nicky Corozzo you mentioned earlier who  
22 was related to Blaise Corozzo and Jo Jo Corozzo?

23 A Yes.

24 Q Jo Jo Corozzo you mentioned earlier has a drinking  
25 problem?

1 A Right.

2 Q I'm showing you Government's Exhibit 2-G.

3 A Nicky.

4 Q 12-F?

5 A Jo Jo.

6 Q What was the highest position Jo Jo Corozzo attained?

7 A He was a consigliere.

8 Q He's the drunk?

9 A Well, he was a heavy drinker.

10 Q What about Nicky Corozzo. What was the highest position  
11 he attained?

12 A He was a captain, and he was also on the committee at one  
13 time.

14 Q He was on the ruling committee?

15 A Yes.

16 Q Did the Corozzos and the Gottis know each other?

17 A Yes.

18 Q In the late '70s, what was the relationship between these  
19 two families?

20 A I was not around then with those fellows. Later on, I  
21 learned it was not too good. They really didn't like each  
22 other too much.

23 Q When Sammy Gravano's cooperation became known, who was  
24 running the Gambino Family at the time?

25 A John, Sr. was still the boss, of course, incarcerated,

1 and that five-man panel I told you about earlier.

2 Q Prior to his arrest, how did Sammy Gravano make money?

3 A He ran all the construction business in New York for our  
4 family, all the unions, and tremendous shylocking, and  
5 whatever else he did. Sammy had his hand in everything.  
6 Garbage business.

7 Q You mentioned that he was involved in the Gambino  
8 Family's construction businesses. Who took that job over  
9 after he began cooperating?

10 A I was asked to take it.

11 Q How did you learn of your new responsibilities?

12 A I drove Jackie D'Amico up to MCC, which was where John,  
13 Sr. was being held, on visits, and he came down one night with  
14 Pete Gotti and he said he had a message from the boss saying  
15 he wanted me and Eddie Garafolo to keep running the  
16 construction business for the family, and that if we did  
17 anything wrong, he would kill the two of us.

18 Q What did it mean to be in charge of the family's  
19 construction business?

20 A Well, now, I had all the unions to oversee, concrete  
21 companies. Whatever monies we were getting off the street for  
22 the concrete -- construction companies I was to oversee and  
23 bring the money in.

24 Q In a few sentences, can you explain how the Gambino  
25 Family made money in construction?



1 A Yes.

2 We had some general contractors that were with us.  
3 Whenever they get a big job in Manhattan, we would take money  
4 off of the job, try to trade off one contract against another,  
5 if they belonged to another family and bidrigged the job,  
6 saying you got their job and we get the next job. We'll whack  
7 up some money, split up some money. Also, with the unions, we  
8 would use the unions as leverage against some of the  
9 companies, or work hand in hand with the companies and leave  
10 membership off that would get a union scale, and there would  
11 be kickbacks like that.

12 Q How would you use union control to leverage what you were  
13 just explaining?

14 A Let's say when it was a Teamsters foreman, if a trucker  
15 came from out of state, or there was a company behind in their  
16 union payments or weren't in the union, they would pull up to  
17 the job and I would go check their books. If they didn't have  
18 a book or outdated, like I said, or another state, I would ask  
19 them for money. You can't stop here. You give some money,  
20 you're on the job. You didn't give it, take a walk.

21 THE COURT: Excuse me. You'd better define "book"  
22 for the jury.

23 THE WITNESS: Oh.

24 THE COURT: I'm not directing my attention to you,  
25 sir.

1 MR. BURLINGAME: Thank you, your Honor.

2 THE WITNESS: Sorry, your Honor.

3 Q Can you explain what a union book is?

4 A It's a book you get to be a member in the union. I was  
5 in Local 282 Teamsters. I had a book. I was a member of the  
6 union. I paid unions dues.

7 (Continued on next page.)

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1 BY MR. BURLINGAME:

2 Q So it meant you have membership if you have a book?

3 A Correct.

4 Q What size construction project did the Gambino family get  
5 involved with?

6 A At the time it was like a prerequisite with that contract  
7 282. It was five million dollars and up. Any job  
8 five million dollars and up.

9 Q Now, you testified that Gravano also had a loansharking  
10 operation, do you know how big that operation was?

11 A Two million and up.

12 Q And approximately, how much money a week would a  
13 loansharking operation that size generate?

14 A Well, depends on what the charges were point-wise. If he  
15 charged one percent, two percent, three percent. You can just  
16 do the math. It could be 20,000; 30,000 a week, 40,000. It  
17 depends.

18 Q And after Gravano's cooperation became known what  
19 happened to his loansharking operation?

20 A John Senior had told his son John Junior to collect the  
21 book. Whatever money was out there that was owed to Gravano,  
22 Thomas Carbonara, he used to take care of Sammy's book, he  
23 would collect all the big payments every week, interest  
24 payments, so he had knowledge and the book of who the  
25 customers were. So he had me go hand in hand with Huck and try

1 to collect these monies from the street.

2 Q And who told you, you were going to take over  
3 responsibility for collecting Gravano's loansharking?

4 A Junior.

5 Q And who were you working with that again?

6 A Carbonaro.

7 Q Showing you Government Exhibit 2D, do you recognize that  
8 person?

9 A That's Thomas Carbonaro.

10 Q What was the highest position he attained in the Gambino  
11 family?

12 A Soldier.

13 Q Did you check the money like John Gotti Junior asked you  
14 to?

15 A Yes, we attempted to collect. We were successful on some  
16 but other people didn't want to pay what they call the rat's  
17 money so they balked at paying it. So whatever we could  
18 collect we collected it.

19 Q And did John Gotti Junior tell you to do anything with  
20 your money?

21 A Yes, I brought it to him, and he was distributing some  
22 monies -- certain guys in his crew. Myself I got 500 a week,  
23 Huck got 500 a week for collecting these monies, and he was  
24 paying for some lawyers and stuff like that.

25 Q And who were the guys had his crew who got money?

1 A Carneglia, Charles Carneglia, Tommy Cacciopoli and  
2 Jackie Cavallo.

3 Q Do you know how much money they got?

4 A Five hundred a week each.

5 Q How do you know they got the money?

6 A I would give it to Jackie occasionally or John Junior  
7 would take it and give it to him. John told me he was going  
8 to give it to him: Keep the loyal guys happy.

9 Q Did John Gotti Junior tell you why he was giving the  
10 defendant Tommy Cacciopoli and Jackie Cavallo \$500 a week?

11 MS. SHARKEY: Objection.

12 THE COURT: I will allow it.

13 A They said that they weren't big earners at that time and  
14 that he wanted to keep them happy because you got to keep the  
15 guys happy around you that were most loyal and they would go  
16 out and do anything, even kill.

17 Q So even though they weren't earning that money they were  
18 valuable members of the Gambino family?

19 MR. FARBER: Objection.

20 THE COURT: I will allow it.

21 A Yes, everybody has value in the family, whether you're a  
22 tough guy you can do work or you're a business guy and you  
23 could generate a lot of money or just be loyal. Sometimes  
24 guys can't do anything either/or but could be loyal.

25 Q And those three guys: Charles Carneglia, Tommy

1 Cacciopoli and Jackie Cavallo, those were tough guys?

2 A Yes.

3 Q Again, what's a tough guy?

4 MS. SHARKEY: Objection.

5 THE COURT: I will allow it.

6 A Someone who is capable of putting somebody in the  
7 hospital, harming somebody or even killing them.

8 Q How did John Gotti Senior feel about the killers in the  
9 family?

10 MS. SHARKEY: Objection.

11 THE COURT: I will allow it.

12 A John loved tough guys. He based your work on how tough  
13 you were. John didn't like meek people but he took money from  
14 them.

15 Q Was that a change from the prior boss Paul Castellano?

16 A Paul liked the tough guys but his value is the business  
17 guy. He hung out with multi millionaires and frowned on the  
18 street, the blue collar work guys, so to say, but necessary  
19 evil that he needed to remain in control.

20 Q Who was Louis Melito ?

21 A Louie Melito was a soldier in the family.

22 Q Did he ever explain to you the meaning of the term "inner  
23 circle"?

24 A Yes.

25 Q What did he tell you?

1 A He had told me that the inner circle -- the first time I  
2 really heard this term had to be some time in the late 70s,  
3 early 80s, probably late 70s, and he said these are the guys  
4 that were close to the boss. They didn't have to be in the  
5 same crew, they could be in different crews, but these are the  
6 guys that did the work for the family. At a moment's notice  
7 they could be called in and do anything.

8 Q When you say "do the work" what do you mean?

9 A Kill.

10 Q From the administration of Paul Castellano forward do you  
11 know who was in each administration's inner circle?

12 A Not everybody but I could get close.

13 Q Who was in Paul Castellano's inner circle?

14 A Frankie DeCicco excuse me, Frankie DeCicco and his crew,  
15 Sammy Gravano and Louie Melito and his crew, Roy Demeo, Nino  
16 Gaggi and that crew and John Gotti Senior and his crew.

17 Q Who was Castellano's underboss?

18 A Neil Dellacroce.

19 Q Showing you government 2RR, do you recognize that person?

20 A Yes, that's Neil, old picture, Neil.

21 Q That's Neil Dellacroce?

22 A Yes.

23 Q You testified that he was underboss?

24 A Right.

25 Q You also mentioned Joe Watts, was he a made member of the

1 Gambino family?

2 A Yes, Joe Watts. He was another guy from Paul's inner  
3 circle.

4 Q Was he a made member?

5 A No, he was not. I'm sorry. He was an associate.

6 Q But he was in the inner circle even though he was an  
7 associate?

8 A Joe Watts was always close to the bosses.

9 Q How could he be close to the bosses if he was not a made  
10 member of the Gambino family?

11 A Joe Watts was very trusted. He was a tremendous earner  
12 and a prolific killer.

13 Q Who was in John Gotti Senior's inner circle?

14 A John, Charles Carneglia, Angelo Ruggerio, Tony Rampino.

15 Q And Tony Rampino is that the Tony Roach you talked about?

16 A Yes.

17 Q The guy who was the junkie?

18 A Right.

19 Q Who was in John Gotti Junior's inner circle?

20 A Myself, Cacciopoli, Cavallo, Charles Carneglia, John  
21 Alite, Angelo Agnello -- Carmine Agnello, Greg DePalma --  
22 Craig DePalma, actually, Craig DePalma, Bobby Boriello.

23 Q You mentioned John Alite, was he a made member of the  
24 Gambino family?

25 A He was Albanian. He couldn't be.



1 Q But he was in the inner circle?

2 A Yes.

3 Q You testified that as part of the inner circle for  
4 John Gotti Senior and John Gotti Junior a defendant would be  
5 required to kill on command, did you ever witness this?

6 MS. SHARKEY: Objection.

7 THE COURT: I'll allow it.

8 A Did I ever witness kill on command or taking an order to  
9 kill?

10 Q Taking an order to kill?

11 A Yes.

12 Q Can you tell us what happened?

13 A It was a fellow named Joe Watts again was running a  
14 construction company called Big Apple, the demolition company  
15 in Manhattan, him and Johnny G.

16 Q Who is Johnny G?

17 A Johnny Gammarano. Johnny G was supposed to do Joe Watts  
18 a favor for this company one night and did not. Joe Watts had  
19 called me up screaming I want to see and your brother-in-law.  
20 We went to see him. He said Johnny G is drunk. Harold, this  
21 guy with the company, called him up and was in a spot with one  
22 of the unions. And he says this Johnny G I give him three,  
23 four hundred thousand dollars a year to take care of this  
24 company, he's drunk out in the city somewhere, and he's  
25 raging. So I didn't know this at the time. So this wasn't the

1 first incident with John Gammarano. There was many about  
2 construction where he was taking money for the family. So I  
3 went and reported to John Junior. John Junior blew his stack,  
4 and he says we are going to get Jackie D'Amico to make an  
5 appointment to bring Joe Watts, Danny Moreno, Gammarano to an  
6 appointment, whereas if the appointment broke bad, they didn't  
7 give the right answer we were going to kill Moreno and  
8 Gammarano.

9 Q I would like to show you a couple of photos. Could you  
10 tell me who that is?

11 A Gammarano.

12 Q Who is that?

13 A Moreno.

14 Q What was the highest position obtained by Gammarano?

15 THE COURT: Do you want to indicate --

16 MR. BURLINGAME: I'm sorry.

17 Gammarano is 2 WW and Moreno is 2 GG.

18 Q What was highest position obtained by Gammarano?

19 A He was a soldier.

20 Q And Danny Moreno.

21 A He was captain.

22 Q What, if anything, did John Gotti Junior tell you to do  
23 after you told him about the call from Joe Watts?

24 A He wanted to get an apartment, safe place if we had to  
25 kill these guys we could do it and be safe, which I went and

1 found an apartment. I took -- a friend of mine who owned a  
2 restaurant in Brooklyn, I took his apartment for the night.

3 Q Did he ask anyone else to do anything?

4 A Yes, Jackie D'Amico go make the appointment to bring Joe  
5 Watts, Moreno and Gammarano for this appointment.

6 Q And he said the purpose of the appointment was he would  
7 have them killed if it went badly?

8 A Yes, if he didn't get the right answers.

9 Q Who did he arrange to kill Moreno and Gammarano?

10 MS. SHARKEY: Objection.

11 THE COURT: Reframe that.

12 What did he tell you about it.

13 Q Did he ask anyone else to do anything to prepare for the  
14 meeting?

15 MS. SHARKEY: Objection to form.

16 THE COURT: I'll allow it.

17 A Yes, he told me he's bringing Charles Carneglia and Tommy  
18 Cacciopoli to the meeting and they were going to do the work.

19 Q What did they mean "to do the work"?

20 A They were going to be the shooters.

21 Q You said he asked Jackie D'Amico to set up the meeting do  
22 you know if he told D'Amico what the purpose of the meeting  
23 would be?

24 A Yes, it was construction. Jack had no clue of what may  
25 happen.

1 Q What was it that may happen?

2 A Two guys may get killed.

3 Q You said you found a spot for the meeting, where was the  
4 spot?

5 A Bay 11th off Bath Avenue in Bensonhurst, Brooklyn.

6 Q And did Jackie D'Amico successfully set up the meeting?

7 A Yes.

8 Q Who was supposed to attend the meeting?

9 A Moreno, Watts, Gammarano, D'Amico on that end and then  
10 myself, Gotti, Carneglia and Cacciopoli.

11 Q And what happened on the day of the meeting?

12 A Joe Watts and that -- entourage, Joe Watts.

13 Q Take us through the day from the start of the day.

14 A All right.

15 MS. SHARKEY: Objection.

16 THE COURT: Overruled.

17 A I met John Junior on 18th Avenue and Shore Parkway. He  
18 pulled up with Cacciopoli and Carneglia in the car. Junior  
19 got out of the car. We took a walk up the block. He told me  
20 I got Jackie and Charles in the car. Where's the spot. I will  
21 tell them to drive over there and you and I will walk if it  
22 not too far. I told him where the spot was. He walked back  
23 over to the car. He told the fellow where to go and they went  
24 up to the block where it was designated. John Junior and I  
25 then walked toward the apartment because it was only a couple

1 of blocks away.

2 Q During that walk did you have a conversation about what  
3 was going to happen?

4 A Yes. He reiterated if it went bad we were going to kill  
5 these two guys, we brought some body bags, and was there a  
6 place for these two guys to be out of eyesight where they can  
7 hide until the signal was given for them to come out in which  
8 to kill these two guys.

9 Q Did you and John Gotti reach the apartment?

10 A Yes. We went upstairs in the apartment and there was a  
11 living room, kitchen to the left, and you walk up stairs there  
12 was a couple of bedrooms, and that's where we put Charles and  
13 Cacciopoli.

14 Q Again what was the purpose of putting them in the  
15 bedroom?

16 A So they wouldn't know who was sitting up there -- the  
17 people at that meeting wouldn't know who is in the bedroom.  
18 They wouldn't surmise anything was going to happen.

19 Q Did you talk about a signal at all?

20 A John did but I don't remember it.

21 Q What was the purpose of the signal?

22 A Well, signal was they knew what they had to do when they  
23 came out -- to kill them, whatever the signal John designated.  
24 I don't know.

25 Q What happened next after the defendant and Cacciopoli

1 were stashed in the bedroom?

2 A D'Amico came -- came up to the apartment, and then  
3 Joe Watts, Danny Moreno and John Gammarano and another fellow  
4 who's a wiseguy with Danny, George Lombardozzi, and the  
5 limousine driver, and the limousine driver pulled up to the  
6 house, and I went down and I brought him up to the apartment,  
7 except for the limousine driver. He stayed downstairs.

8 Q What did you think of Joe Watts driving in a limo and  
9 bringing all these people with him?

10 A Sharp as a fox.

11 Q Why is that?

12 A Joe Watts knew if he smelt anything, because he knows  
13 these moves, if anything was wrong, the more people he  
14 brought, especially a civilian outside in a limousine, that  
15 there was no way that anything was happening that night.

16 Q Did the meeting take place?

17 A It did.

18 Q What happened at the meeting?

19 A John Junior asked them to explain themselves. Laid out  
20 the beef. And Joe Watts stepped in, Joe Watts and  
21 John Gotti Senior were extremely close, and he had said that  
22 the boss John Senior gave him carte blanche when it came to  
23 construction and generating monies to fight cases. Being that  
24 Gravano had flipped a lot of guys had cases, were going to go  
25 to prison and created like a war chest, and with that answer

1 coming from the boss John Junior couldn't do anything because  
2 he knew that probably was true.

3 Q And so the answer meant that Watts had permission to keep  
4 the money that John Gotti Junior was upset he hadn't been  
5 receiving?

6 A Right, and also, at that point trickles down to  
7 Gammarano.

8 Q What happened next?

9 A Gammarano, Moreno, Lombardozzi leave. They go downstairs  
10 in the limousine. Joe Watts is still there and there are two  
11 guys come out of the room. John goes and gets them and they  
12 come out of the room. Upon seeing that Joe Watts gets  
13 startled. I really don't see Joe Watts gets startled that day.  
14 He knew what could have happened that day, and he reacted to  
15 it. And Joe Watts said what is that about -- says Joe Watts.  
16 If I had known Georgie was coming I would have had to bring  
17 another body bag.

18 Q Who said that?

19 A Junior.

20 Q Approximately when did that take place?

21 A I would say before '93. Between '93 and '92, around that  
22 area. Early 90s.

23 Q How many times did you see the defendant prior to that  
24 day?

25 A Dozens.

1 Q How many times had you seen him after that day?

2 A Dozens.

3 Q Was he any different on this day than any other?

4 A No.

5 Q Did he seem at all nervous beforehand?

6 A No, nobody was nervous.

7 Q How did he seem after?

8 A The same Charles, like anybody else.

9 Q Any doubt in your mind Tommy Cacciopoli would have killed  
10 Gammarano and --

11 MS. SHARKEY: Objection.

12 THE COURT: Sustained.

13 Q In deciding whether or not to participate in the murder  
14 conspiracy did you feel that you could rely on the defendant  
15 to perform his order?

16 MS. SHARKEY: Objection.

17 THE COURT: I'll permit it.

18 A Once you're given an order to kill and you're brought in  
19 a move you have to kill, that's it, plain and simple, or you  
20 will be killed. You have a good shot to get killed after  
21 that.

22 Q So you believed the defendant would follow those orders?

23 A Yes.

24 Q You testified you knew the defendant to be one of the  
25 Gambino family killers prior to this incident, had you ever



1 witnessed him kill anyone?

2 MS. SHARKEY: Objection.

3 THE COURT: I'll allow it.

4 A No.

5 Q At the time of this murder conspiracy did you know of the  
6 defendant's participation in other Gambino family murders?

7 MS. SHARKEY: Objection.

8 THE COURT: Only from your direct observation.  
9 Limited to that.

10 Q Did you feel at all nervous after the incident took place  
11 that the defendant might go to the police and tell them what  
12 had happened?

13 A No.

14 Q You testified that Joe Watts was startled when the  
15 defendant and Tommy Cacciopoli came out of the bedroom, was  
16 Watts a tough guy?

17 A He was. Joe Watts was very respected by everybody in New  
18 York. Joe Watts was a tough guy. He was a killer.

19 Q Was Jackie D'Amico still present when the defendant and  
20 Cacciopoli came out?

21 A Yes.

22 Q What was his reaction?

23 A He got mad at him.

24 Q Why?

25 A Because I didn't let him in on it and he felt that he is

1 -- he was my captain. He straightened me out. So I figured  
2 maybe I would have buzzed him but I didn't.

3 Q Why wasn't he told?

4 A Need to know basis.

5 Q I would like to draw your attention back to the murder of  
6 Louie DiBono. You testified on Thursday that Louie DeBono was  
7 a Gambino family soldier who was murdered in late 1990 in the  
8 World Trade Center. You also testified that you had  
9 conversations with Bobby Boriello, Gambino family associate,  
10 and Salvatore Gravano, Gambino family underboss, about the  
11 DiBono murder. I'd like to start by asking you some questions  
12 about your conversation with Boriello.

13 You testified at the time of the DiBono murder  
14 Boriello, and the defendant had been placed in John Gotti  
15 Junior's crew by the boss John Gotti Senior because they were  
16 both loyal killers. What was relationship with John Gotti  
17 Junior at that time?

18 A Very close.

19 Q Did you provide him with advice on how to carry out his  
20 duties in the family?

21 A Yes -- well, not at that time. What year are we talking  
22 about, 1990, after we got straightened out?

23 Q You tell me.

24 MS. SHARKEY: Objection.

25 THE COURT: I'll allow it.

1 A Okay -- his John Junior's participation. I lost you.  
2 Sorry. One more time.

3 Q I will skip the question.

4 Was John Gotti Junior interested in information  
5 concerning the members in his crew?

6 A Yes.

7 Q Would that include information about significant crime  
8 they participated?

9 A Yes.

10 Q Was Boriello aware of your close relationship to John  
11 Gotti Junior?

12 A Oh, the three of us were close.

13 Q You also testified that admitting to murders is one way  
14 of trying to demonstrate your importance in the Gambino  
15 family; is that accurate?

16 A Yes.

17 Q You testified that you were close friends with Boriello,  
18 you also aware of his status in the Gambino family as a  
19 killer?

20 A Yes, he was a tough guy.

21 Q You testified he talked with you about the DiBono murder,  
22 was it your understanding that the DiBono murder was official  
23 Gambino family business?

24 A Yes.

25 Q Without saying who else he may have committed the murder

1 with, did Boriello admit to you that he himself committed the  
2 murder?

3 A Yes.

4 Q Did committing this murder go to his core role as a  
5 killer in the Gambino family?

6 A Yes.

7 Q When he told you about his participation in the murder  
8 did you believe him?

9 A Absolutely.

10 Q When did Boriello admit participation in the murder to  
11 you?

12 A Some time after that, of course, and Bob, like I said,  
13 died April 13th of '91. So whenever that murder took place --  
14 I'm not sure what month of 90, in that time frame.

15 Q What part of 1990 do you believe the murder took place?

16 A Mid to late 90s, I would say.

17 Q So the conversation with Boriello would be from mid to  
18 late 90 to his death in April of '91, somewhere in that span?

19 A Yes.

20 Q Now, without saying who, did Bobby Boriello tell you he  
21 committed the murder with anyone else?

22 MS. SHARKEY: Objection.

23 THE COURT: I'll allow it.

24 A Yes.

25 Q Did you later participate in any murder conspiracy with

1 the person he told you about?

2 MS. SHARKEY: Objection.

3 THE COURT: Sustained.

4 Q In deciding whether or not to commit the murder  
5 conspiracy with someone in the Gambino family is it valuable  
6 to have an understanding as to their capability?

7 A Yes, it is always important. I was taught that very  
8 young.

9 Q Did that information -- did agreeing to participate in  
10 murders with the Gambino family part of the criminal conduct  
11 you agreed to when you were inducted into the family?

12 A When you first get your finger pinched, that's what it's  
13 about, to kill for family, to have the loyalty, and show your  
14 loyalty by killing.

15 Q You also testified on Thursday that one of the rules of  
16 Cosa Nostra is you must come in when the boss calls you, do  
17 you remember that testimony?

18 A Yes.

19 Q What is the penalty for failing to come in?

20 A You can get killed.

21 Q In your experience was it dangerous to disobey a direct  
22 order from John Gotti Senior?

23 A Yes.

24 Q Would this include an order to report in when you were  
25 called?

1 A Yes.

2 Q Was it important in maintaining respect for the boss that  
3 members follow the boss' orders?

4 MS. SHARKEY: Objection; asked and answered. It's  
5 been gone over.

6 THE COURT: You may answer.

7 A Yes, it could lead to anarchy.

8 Q If people stopped following the boss' order?

9 A Absolutely.

10 Q You testified on Thursday that Jackie D'Amico was a  
11 captain of the Gambino family who was close to John Gotti  
12 Senior, and you testified earlier today that D'Amico told you  
13 that Gotti Senior put you in charge of the family construction  
14 rackets and that you would be killed if you failed to perform  
15 your duties correctly, when D'Amico told you that you did take  
16 that threat seriously?

17 A Yes, sure.

18 Q So it is fair to say when D'Amico told you about the  
19 information relating to John Gotti Senior, the Gambino family  
20 boss, it was not idle chatter or gossip?

21 A Well, in fact, if you want me to articulate I will.

22 MS. SHARKEY: Objection.

23 THE COURT: Overruled.

24 A Boy, that's some gift you gave me. First you give me a  
25 hot potato. You give me the construction business where Sammy

1 just cooperated and the FBI is going to go to all these guys  
2 and may go to prison for it, and now you're going to tell me  
3 you're going to kill me for it. So it was like I really  
4 didn't want the position at the time.

5 Q So when he gave you -- when Jackie D'Amico gave you  
6 orders you took them seriously?

7 A Absolutely.

8 Q Did you ever have a conversation with D'Amico about  
9 DiBono failing to come in when Gotti called to him?

10 A Yes.

11 Q Did D'Amico tell you why DiBono had been killed?

12 A Yes, it was rumored that he didn't come in.

13 Q That's what D'Amico told you, that he was killed for not  
14 coming in?

15 A Yes.

16 Q Just for failing to follow that one rule?

17 A Right.

18 Q Who was Salvatore Gravano-- or actually, you've already  
19 testified that Salvatore Gravano was the Gambino family  
20 underboss. Are you aware of any dispute between Gravano and  
21 Louie DiBono?

22 A Yes.

23 Q When did that dispute arise?

24 A Under Paul's Castellano administration when he was boss.  
25 Gravano and DiBono had some construction business together and

1 they had a falling out, and DiBono went to the boss Paul at  
2 the time. Of course, his opinion was that it was so bad, that  
3 Sammy abused him, that he wanted to have Sammy killed and  
4 Sammy was called to a meeting with the administration of the  
5 family to settle this beef.

6 Q And was he given permission to kill DiBono?

7 A No, no, DiBono wanted to have Sammy killed.

8 Q I'm sorry --

9 A At that time.

10 That was the beef and Sammy never forgot.

11 Q Were you aware if -- Gravano ever tell you that he wanted  
12 to have DiBono killed?

13 A Sammy was livid. He talked to me a lot about that.

14 Q When did he first tell you about that?

15 A Probably right within a month after it happened. I guess  
16 a sit-down.

17 Q And what sort of year are we talking about here?

18 A We're talking maybe '83. Let me see, maybe '83, '84,  
19 '85, like that.

20 Q Was Gravano given permission to kill DiBono?

21 A No. DiBono was asking for Sammy, in other words, at that  
22 time.

23 Q Do you know if Gravano ever sought permission to kill  
24 DiBono?

25 A He wanted to. He was looking to sneak him, but Frankie



1 DeCicco who was very close to the boss at the time and almost  
2 like a guidance counselor for Gravano and prepped Gravano  
3 going into that meeting. Told him to just leave it alone.

4 Q After John Gotti Senior became the boss of the family  
5 what position did Gravano assume?

6 A He was captain, and then he became consigliere for a  
7 little while and then he became underboss.

8 Q Is it fair to say he was one of Gotti Senior's closest  
9 advisors?

10 A Yes, he was one of them.

11 Q When Gravano told you about matters of the Gambino family  
12 policy did you take him seriously?

13 A Yes.

14 Q During the year before DiBono's murder were you aware  
15 that DiBono was in trouble in the Gambino family?

16 A Yes. Louie DiBono wasn't coming in when called and  
17 Gravano was having some issues with him with the construction  
18 business once again, and that I surmised at that time that  
19 Gravano was going to kill him.

20 Q Did Gravano tell you that DiBono was in trouble with  
21 Gotti Senior for not coming in?

22 A Not really.

23 Q You testified last week that following the DiBono murder  
24 you met with Gravano and he told you who committed the murder?

25 MS. SHARKEY: Objection.

1           THE COURT: I'll allow it.

2       Q     When Gravano told you this information did you take it  
3 seriously?

4       A     Yeah. Sure.

5       Q     Given his history of wanting to kill DiBono, what, if  
6 anything, did DiBono's murder say about Gravano's position in  
7 the family at that time?

8       A     Oh, he called the shot. It wasn't about him not coming  
9 in. That was an excuse.

10      Q     You testified last week that it is important to know  
11 about other Gambino family crimes because, " It enlightens you  
12 on certain people's roles and definition of the family, such  
13 information is valuable," and then when Gravano told you about  
14 the Gambino family affair you were going to listen. Did you  
15 listen carefully when he told you who committed the DiBono  
16 murder?

17      A     Yes. He had a reason for telling me.

18      Q     During that conversation did Gravano tell you whether  
19 John Gotti Senior had given him permission to take part in  
20 DiBono's murder?

21      A     The last several murders that were committed in the  
22 family John Senior didn't want Gravano on those moves on those  
23 moves -- on those killings. So he wanted Gravano to stay off.  
24 Being he was the underboss he didn't want him on any work.

25      Q     You mentioned the name Eddie Garafolo earlier, that he

1 was involved in the construction business, rather in  
2 collecting the loansharking proceeds with you. Can you remind  
3 us of his position in the family?

4 A Eddie was a soldier. He was my partner in the  
5 construction business and close friend, and Sammy Gravano's  
6 brother-in-law. He married his sister.

7 Q How often did you see Eddie Gravano?

8 A Almost every day.

9 Q Were you close with him?

10 A Very close.

11 Q Did you talk to him about the Gambino family crimes?

12 A Eddie had a penchant for talking about murders.

13 Q Did you ever talk with him about the murder of  
14 Louie DiBono?

15 MS. SHARKEY: Objection.

16 THE COURT: I will allow it.

17 A Yes.

18 Q Did this conversation take place before or after  
19 Gravano's cooperation came to light?

20 A Way after.

21 Q Do you remember when you had the conversation about  
22 DiBono's murder with Garafolo?

23 A Somewhere in the mid 90s maybe.

24 Q Do you remember where you were?

25 A No, not specifically.

1 Q Do you remember who was present?

2 A Him and I.

3 Q Do you remember how you started discussing the DiBono  
4 murder on occasion?

5 MS. SHARKEY: Objection as to form.

6 THE COURT: Overruled.

7 A Yes, there were some people that weren't indicted for  
8 Gravano's information or lack of information, and this is why  
9 they were trying to hold, also, Gravano's crew, those three  
10 fellows I told you about, was going to get killed, Eddie was  
11 one of them. But we talked about in general the guys that  
12 were left out, either by the government didn't present a case  
13 or Gravano left out material, including myself. I was one of  
14 those guys with Gravano.

15 We start talking about John Junior and the fact that  
16 John Junior -- Eddie had disclosed to me that John Junior was  
17 a son for a son deal. Either said or unsaid by Gotti,  
18 Gravano. Being that Gravano didn't provide or weren't going  
19 to testify against John Junior that, hopefully, John Senior  
20 wouldn't kill Gravano's son Gerard who was Eddie's nephew also  
21 -- his wife's brother's son. So in that context is how we  
22 started this whole conversation.

23 Q Was it important information within the Gambino family to  
24 know which members were in danger from Gravano?

25 A As far as testimony and stuff, yeah. Like I said, it was

1 lot of talk because guys were getting arrested, getting life,  
2 going away for a long time, and there were other guys being  
3 left out, and it was a mystery. We were trying to figure out  
4 maybe somebody was cooperating. Giving that information.  
5 Still in contact with Gravano. Multiple reasons.

6 Q In determining which Gambino family members to commit  
7 crimes with, including murders, was it important for you to  
8 know whether they were about to be arrested?

9 A Oh, yeah. We always had a pulse on that. Tried to, at  
10 least.

11 Q So when Garafolo told you about the son for a son deal  
12 did you take information seriously?

13 A It was first time that I heard John Junior was involved  
14 in a hit. I never heard it before that.

15 Q Can you explain about how you learned that John Junior  
16 was involved in a hit?

17 MS. SHARKEY: Objection.

18 A Sure.

19 THE COURT: I will allow it.

20 A Yeah. That's what opened up the conversation. Like I  
21 tried to explain, is leaving guys out. Son for a son was --  
22 Eddie told me that Junior was on that hit.

23 Q Which hit?

24 A DiBono.

25 Q Without saying who, did Garafolo tell you that anyone

1 else was involved in the DiBono's murder who appeared to be  
2 being spared by Gravano?

3 A Yes.

4 THE COURT: Don't answer.

5 MS. SHARKEY: Objection.

6 Q Did Garafole tell you that others were involved in the  
7 DiBono murder?

8 A Yes.

9 Q Now, you testified about the Gambino family construction  
10 rackets, did that include the concrete industry?

11 A Yes.

12 Q Did the Gambino family have control of the concrete  
13 industry?

14 A Yes.

15 Q What did it mean to control the concrete industry?

16 A All the construction of the concrete plants known as  
17 poured concrete had to come through us -- every family.  
18 Nobody could open up a plant or new company without getting  
19 permission from the Gambino family. That is how we controlled  
20 them.

21 Q And what geographic area did that rule apply to?

22 A The whole city.

23 Q What prevented a concrete company from opening up a  
24 business despite the Gambino family control of the concrete  
25 industry?

1 A First of all, it was going to be very hard to get any  
2 work. Second of all, they would have massive union problems.  
3 Then it was us that if they decided to try and open a company  
4 we would burn down their trucks or do something like that,  
5 vandalize their trucks. Try to put them out of business. It  
6 was a known fact. I mean it's unsaid word that the  
7 construction business was controlled by the mob in New York at  
8 that time.

9 Q Do you know the Gambino family rules about the concrete  
10 industry were still in effect when you started cooperating?

11 A Yes. Sure.

12 THE COURT: Excuse me. Would one of you like to  
13 take a break now? We've been going a little while. Anybody  
14 want to take a little break put up your hand. You? Okay.  
15 Continue.

16 Q Did your rank within the Gambino family change around the  
17 time you took over the construction rackets?

18 A Yes, I became an acting captain.

19 Q And then did you achieve another rank after that?

20 A Captain.

21 Q What does it mean to be an acting captain?

22 A You are -- instead for captain, maybe he's incarcerated  
23 or sick or can't handle his duties for some reason, mine was  
24 little different.

25 Q What was yours?

1 A I was going to now deal with other families, and other  
2 families, like I explained the protocol earlier about the  
3 captain, talking to a captain or soldier, talking to the  
4 captain. So they elevated me. Put me in a position where I  
5 can go to other families and discuss business without saying  
6 go get your captain.

7 Q And why was it important at that time for you to be able  
8 to talk with captains of other families?

9 A Well, if there are any beefs or gripes, you know, we  
10 don't have to start go appointing people. John wouldn't have  
11 to send somebody else -- another captain.

12 Q Was this related to your role in construction?

13 A Yes, absolutely.

14 Q When were you promoted to captain?

15 A '92, '93.

16 Q What made men were under you when you were made captain?

17 A I believe I first got my brother-in-law Frankie Fappiano  
18 and then Joe Brewster DiMoico (ph), Philly Mortica . Those  
19 were two old timers. Later on Joe DeAngelo.

20 Q Was that a big crew or a small crew?

21 A Small crew.

22 Q Did you try and grow your crew?

23 A No, I never straightened anybody out.

24 Q Why not?

25 A Unless they were really ready for that life I wasn't



1 going to punish my closest friends with that life. I would  
2 take care of whatever they needed.

3 Q Were you ever asked to sit on a Gambino family ruling  
4 committee?

5 A Yes.

6 Q When did that take place?

7 A First time I believe it was Vallario came off after  
8 Sammy cooperated they took -- being the closeness of Vallario  
9 which -- Sammy's captain there. Took Sammy's place. They  
10 took him down off the committee and they put another fellow  
11 on.

12 Q Who was the fellow they put on?

13 A Mickey Corosci (ph).

14 Q What did you say when you were asked to sit on the  
15 Gambino family committee?

16 A I told Junior that I'd rather sit in the background. I  
17 think it would be beneficial for both of us to sit in the  
18 background. Put up the old timers. Let them handle it.  
19 Let's not create any enemies, and we will stay away from law  
20 enforcement scrutiny as much as we could.

21 Q In addition to running the construction rackets, what  
22 were the other things you did to make money in the time after  
23 you became a made member of the Gambino family?

24 A Still shylocking, bookmaking, big into stock market in  
25 the mid 90s or so. Opened up a construction company that

1 really got off the ground, made a lot of money. Things like  
2 that.

3 Q Did you participate in any extortion?

4 A Yes, sure. That was part of the construction,  
5 restaurants, strip clubs, things of that nature.

6 Q What was Metropolitan Stone?

7 A It was a company that myself and Eddie Garafolo formed.  
8 Aggregate company. They sold stone that goes on roadways and  
9 goes into the concrete and I used that business as a guise to  
10 go talk to people in the construction industry just in case  
11 the FBI was around.

12 Q How long did you operate Metropolitan Stone?

13 A Mid '94 to about '97.

14 Q Did you meet someone named Joseph Spinato during that  
15 time?

16 A Yes.

17 Q Approximately when did you meet him?

18 A I would say, just about when I first started the company.  
19 About '95, I think.

20 Q And how did you meet him?

21 A Tommy Cacciopoli came and asked for a favor. Tommy and I  
22 were close at the time, also, and he said he wanted partners  
23 with this kid Spinato, and another fellow named Joe on this  
24 one dump trunk. I used to put out at one time a hundred dump  
25 trucks a day, plus trailers. Had a huge, huge business. And

1 when I first started, like I said, he asked me to put the kid  
2 to work because we were partners, and so I did.

3 Q What was the relationship between the Spinato and  
4 Sneakers?

5 A Spinato was with Sneakers.

6 Q Meaning he was under Sneakers?

7 A Under Sneakers.

8 Q I'm sorry, and Sneakers being who?

9 A Cacciopoli.

10 Q Did you find work for Spinato?

11 A I didn't have to. It was me. I give him the work.

12 Q Now, you testified that Spinato had a partner named Joe.  
13 Did you know if his partner Joe had any Gambino family  
14 associations?

15 A Yes, he was a fellow -- with a fellow named Mickey Mita  
16 and at one time Jack D'Amico was hanging with this kid. I  
17 don't remember when.

18 Q You testified you set up Metropolitan Stone to serve as a  
19 guise, was Metropolitan Stone a legitimate business?

20 A Anything I touch is illegitimate.

21 Q Why?

22 A Like I told you earlier, we take an oath to commit crimes  
23 on a daily basis and bring money in. With the mob everything  
24 we do is criminal.

25 Q All the crimes you committed while you were a made member

1 of the Gambino family, what was the most profitable?

2 A Stock business.

3 Q When did you start participating in the stock business?

4 A '96, somewhere around there, up to about 2002.

5 Q Was it legitimate participation in the stock business or  
6 were you conducting stock fraud?

7 A Stock fraud.

8 Q In a couple of sentences can you explain to the jury how  
9 the Gambino family made money in stocks?

10 A Yes, I knew nothing about the stock business, but I had  
11 this kid around who came from Johnny Gammarano, and he knew  
12 the stock business pretty well. What they would do is set up  
13 a whole bunch of calls in offices -- phone calls and they  
14 would pump stocks. They would have a company that was almost  
15 like a shell company and they would pump up these stocks to  
16 all the people and let them buy this stock. Number keep going  
17 up and then when it went up to a certain level, then whatever  
18 that stock Sal held in his company he would pull the rug out,  
19 sell the stock, and the company would fall on its face just  
20 about and so we would pull out about X amount money.

21 Q I may have missed. Did you say what Sal's last name was?

22 A Romano.

23 Q Was he a made member of the Gambino family?

24 A No, but I was going to propose him.

25 MS. SHARKEY: Sorry, I didn't hear the last part of

1 that answer. May I have it read back.

2 (Record read)

3 Q How did you meet Sal Romano?

4 A Fellow named Louie Black Mariani, he was a close friend  
5 of mine, met him through Johnny Gammarano. Sal -- when Sal  
6 first came out of jail was with Johnny Gammarano, and then  
7 when Johnny Gammarano, being I was taking care of his crew  
8 with Danny Moreno, goes to jail I learn about Sal Romano. Sal  
9 Romano was a secret. He was then put on record with the  
10 Gambino family. Something Gamarano had on the sneak. That was  
11 one of the other things he did. And that's how I found Romano  
12 was through a beef with the Colombo family -- was bothering  
13 him. Threatened to throw him out of a window and try to shake  
14 him, and Mariano bought it to me.

15 Q Approximately when did you first meet him?

16 A Well, I didn't meet him initially. I would say, somewhere  
17 in '96, '97 maybe.

18 Q Did you become close with him?

19 A Oh, yeah.

20 Q You also participated in the extortion while you were a  
21 made member of the Gambino family. What sorts of businesses  
22 did you extort?

23 A Strip clubs, restaurants.

24 Q Was part of the construction rackets also extortion?

25 A Yes.

1 Q What is the terminology used for committing extortion  
2 with organized crime?

3 A I'm sorry.

4 Q Is there a term that is commonly used for extorting s  
5 person or business within organized crime?

6 A No. I don't know.

7 Q Are you familiar with the term shakedown?

8 A Oh, yeah.

9 Q What does that mean?

10 A Take money off somebody that they really don't want to  
11 give it up.

12 Q Were you ever arrested for extortion?

13 A Yes.

14 Q When were you arrested?

15 A September 2000.

16 Q Who were you accused of extorting?

17 A Scores nightclub, and the Gold Club in Atlanta, Georgia.  
18 They were both strip clubs.

19 Q Where is the Scores nightclub?

20 A It was in the 60s, I believe off First Avenue in  
21 Manhattan.

22 Q Where were you prosecuted?

23 A Northern District of Georgia.

24 Q Federal or state?

25 A Federal.

1 Q Were you released on bail after you were arrested?

2 A Yes.

3 Q Were there any restrictions placed on you?

4 A I had to wear an ankle bracelet, be in the house between  
5 11 p.m. an 7:00 a.m. in the morning. I couldn't meet with  
6 felons. Some other stuff, but those are the top two, I think.

7 Q Did the restrictions against meeting with felons prevent  
8 you from meeting with other members of the Gambino family?

9 A No.

10 Q Was it supposed to?

11 A It was supposed to restrict me but I went over it with  
12 the prosecutor and I told him it was impossible.

13 Q How did you do that?

14 How did you keep meeting with Gambino family members  
15 despite your conditions of release?

16 A I had a previous appointment set up where I would meet  
17 them in the supermarket, restaurant, somewhere in the public  
18 forum, that, you know, especially in Staten Island where I  
19 lived at the time you bump into people all the time all day.  
20 So if I ran into somebody, say the FBI was outside, took a  
21 picture, I went to the restaurant with my wife, meet my  
22 friends, I run into them. That was the excuse.

23 Q In that case -- the extortion case out of Atlanta, did  
24 you pled guilty or to go trial?

25 A I pled not guilty and went to trial.

1 Q Jury trial?

2 A Yes.

3 Q What was the jury's verdict in that case?

4 A I got acquitted.

5 Q Were you, in fact, guilty of the crimes charged?

6 A Yes.

7 Q Did you later plead guilty to those crimes as part of  
8 your current cooperation agreement?

9 A Yes.

10 Q Even though you previously had been found not guilty?

11 A I was guilty.

12 Q Did you have to use violence to make these businesses pay  
13 you?

14 A The violence is always implied. Most of these people I  
15 knew pretty well.

16 Q How would the violence be implied?

17 A They knew who I was and what I represented, so the  
18 people who we did business with I usually -- I did it with a  
19 soft touch.

20 Q Did you participate in any murders in the period after  
21 you were inducted into the Gambino family?

22 A Yes.

23 Q Which one?

24 A Fred Weiss and Frank Heide1.

25 Q Who was Fred Weiss?



1 A He was an associate. Partners with Angelo Bascione who  
2 was an associate of Jimmy Brown Faila in the garbage business  
3 and real estate business.

4 Q When you said "associate" he was an associate with the  
5 Gambino family?

6 A I'm not sure if it was Gambino family or Jersey family at  
7 that time, but he did business with those fellows.

8 Q Why was Fred Weiss murdered?

9 A He'd gotten arrested with Bascione and another individual  
10 and they thought he may be cooperating.

11 Q Did you know how he was killed?

12 A He was shot dead.

13 Q Do you know who shot him?

14 A DeCavalcante family in New Jersey ultimately shot him.

15 Q What was role your role in the murder?

16 A Before they did it we had it -- the Gambino family had  
17 it, and my role was to dig a hole for the body where he would  
18 be lured to a place where we would kill him and put him in the  
19 hole.

20 Q Did you plead guilty to this murder?

21 A Yes.

22 Q What is the sentence you face for it?

23 A Life.

24 Q Who was Frankie Heidel?

25 A Frankie Heidel was the nephew and associate of Donny

1 Moreno who was a captain in our family. Again, another  
2 individual that was cooperating and he was killed also.

3 Q He was killed because the family thought he was  
4 cooperating?

5 A No, he was cooperating.

6 Q Who murdered him?

7 A Thomas Carbonaro and his crew.

8 Q What was your role in the murder?

9 A I facilitated the murder by passing the message --  
10 several messages. One from the acting boss of the Colombo  
11 family through Dan Moreno who told me Heidel was, in fact,  
12 cooperating. Another individual, soldier in our family, Sonny  
13 Giuliano, who had a good hook in law enforcement somewhere.  
14 So they were two real good sources that passed this  
15 information on.

16 Q Did you plead guilty to this murder?

17 A Yes.

18 Q What is the sentence you face for it?

19 A Life.

20 Q Were you involved in any assault or other violent crimes  
21 in addition to these murders while you were a made member of  
22 the Gambino family?

23 A Curtis Sliwa.

24 Q Other assaults, did you participate in other assaults?

25 A Did I. I fought my whole life, but what I pled to I think

1 was Sliwa.

2 Q Can you briefly tell us about the assault of Curtis  
3 Sliwa?

4 A Yes, Curtis Sliwa was a radio host and a real pain in the  
5 neck at the time to the Gottis. He would be bashing the Gottis  
6 all over the radio and on TV and at one point John Junior  
7 decided they were going to put this guy in the hospital. Give  
8 him a bad beating, and that was part of the meeting, the plan  
9 at one point.

10 Q Okay. I would like to now show you a few pictures that  
11 haven't come up during the course of your testimony?

12 THE COURT: We are going to take a short break.  
13 Take five.

14 (Jury exited).

15 All right. We will be in recess.

16 (Court recessed)

17 (Court resumed)

18 THE COURT: Okay. Bring in the jury. The sound  
19 system has been adjusted.

20 (Continued on next page)

21

22

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24

25

1 (Jury present.)

2 THE COURT: All right. Sit down, everybody.

3 In your absence, ladies and gentlemen, we've tried  
4 to have the technician adjust the sound system, so it will be  
5 easier now to hear.

6 And the witness is instructed to speak more slowly  
7 and distinctly.

8 Proceed.

9 BY MR. BURLINGAME:

10 Q I would like for you to identify some pictures that have  
11 not come up so far during the course of your testimony?

12 I'm showing you Government's Exhibit 2-XX-2. Can  
13 you tell who that is.

14 A Gene Gotti.

15 Q What was his nickname?

16 A Genie.

17 Q What was the highest position he attained in the Gambino  
18 Family?

19 A Captain.

20 THE COURT: What number is that, please?

21 MR. BURLINGAME: 2-XX-2.

22 THE COURT: Thank you.

23 Q I'm showing you Government's Exhibit 2-M.

24 A Frank Fappiano. He was a soldier in my crew.

25 Q Did he have a nickname that you are aware of?

1 A Frankie Fap.

2 Q Showing you Government's Exhibit 2-J.

3 A That's me.

4 Q What did you testify your nickname was?

5 A Mikey Scars.

6 Q What was the highest position you attained in the Gambino  
7 Family?

8 A Captain.

9 Q Showing you Government's Exhibit 2-A. Do you recognize  
10 that person?

11 A Iggy Alonga. He was a captain.

12 Q Do you know his correct first name?

13 A Ignazio, maybe.

14 Q Showing you Government's Exhibit 2-NN. Do you remember  
15 that person?

16 A Dom Cefalo. He was a captain.

17 Q Do you know of a nickname for him?

18 A Italian Dom.

19 Q Showing you Government's Exhibit 2-K.

20 A Lenny de Maria. He was an acting captain for Nicky  
21 Corozzo.

22 Q Government's Exhibit 2-N.

23 A Eddie Garafalo.

24 Q What was his position?

25 A Soldier.

1 Q Government's Exhibit 2-AAA?

2 A That's Tony Lee Guerreri, soldier.

3 Q Government's Exhibit 2-W?

4 A That's Anthony Ruggiero.

5 I can't make him.

6 Q Let the record reflect 2-W the witness was unable to  
7 identify?

8 Government's Exhibit 2-LL.

9 A That is Sally. That's Sally.

10 The other guy, Anthony, I believe.

11 Q What's the last name?

12 A Ruggiano.

13 Q Did you misspeak when you were identifying this person?

14 A I misspoke. Ruggiero. Ruggiano.

15 Q What's this guy?

16 A Anthony.

17 Q Government's Exhibit 2-W is Ruggiano?

18 A Yes.

19 Q Government's Exhibit 2-LL?

20 A Fat Anthony.

21 Q Is there a relationship between these two?

22 A Father, son.

23 Q What was the highest position Anthony Ruggiano attained  
24 in the Gambino Family?

25 A Soldier.

1 Q What about Anthony Ruggiano, Jr.?

2 A Associate.

3 Q Showing you Government's Exhibit 2-NNN?

4 A Angelo Ruggiero.

5 Q Did you know that nickname for him?

6 A Ang.

7 Q What was the highest position he attained in the Gambino  
8 Family?

9 A Captain.

10 Q Showing you Government's Exhibit 2-MMM?

11 A Angelo, Jr., Ruggiero. Angelo, Jr., Ruggiero.

12 Q Do you know of a nickname for him?

13 A No.

14 Q What was the highest position he attained?

15 A Soldier. But I never met him as such. I heard it from  
16 Eddie.

17 Q Government's Exhibit 2-Z?

18 A That's Lou Scida, called Brother. He was a soldier with  
19 Nicky Corozzo.

20 Q Government's Exhibit 2-AA?

21 A That's Gus Boy, Gus Sclafani. He was a soldier.

22 Q Finally, Government's Exhibit 2-QQQ.

23 A Ronnie Trucchio. He was a captain.

24 Q What was his nickname?

25 A Ronnie One Arm.

1 Q Do you know how he got the nickname Ronnie One Arm?

2 A He had some kind of accident, I believe. I'm not sure.

3 Q How many arms did he have?

4 A He had two arms, but one hung. One wasn't rehabilitated.  
5 He never went for rehabilitation.

6 Q During the time you were an associate and made member of  
7 the Gambino Family, how often did you commit crime?

8 A How often? Every time I woke up and I walked out the  
9 door.

10 Q Have we talked about every single specific crime you  
11 committed?

12 A No.

13 Q Have we talked about all the most violent crimes you  
14 committed?

15 A No. Yes. Yes.

16 Q Have we talked about the different types of crimes you  
17 committed?

18 A Yes.

19 Q When were you arrested for the last time?

20 A June 20, '02.

21 Q Where were you prosecuted?

22 A Southern District of New York.

23 Q Where is that?

24 A Manhattan.

25 Q What were you charged with?



1 A Murder, racketeering, shylocking, construction extortion.

2 Q Again, shylocking is another word for loansharking?

3 A That's correct.

4 Q What was the most serious of those charges?

5 A Murder.

6 Q Whose murder were you charged with?

7 A Fred Weiss.

8 Q At that time, were you charged with the two other murders  
9 you testified about?

10 A No.

11 Q What was the maximum sentence you were facing on the  
12 Southern District case?

13 A Life.

14 Q After you were arrested, did you plead guilty or not  
15 guilty?

16 A Not guilty.

17 Q Were you guilty?

18 A Sure.

19 Q Did you try to get out on bail?

20 A Yes.

21 Q Did you have a bail hearing?

22 A Yes.

23 Q Did you get out on bail?

24 A No.

25 Q Why not?

1 A Danger to the community, judge ruled.

2 Q Who was a danger to the community?

3 A I was.

4 Q Were you in fact a danger to the community?

5 A I was a member of the Gambino Family, yes.

6 Q Was there any pressing reason you wanted to get out on  
7 bail at the time?

8 A Stating the obvious, I wanted to be home with my family,  
9 I wanted to run my crew, make sure everything was going  
10 smoothly.

11 Q Were you still able to conduct some of your affairs from  
12 jail?

13 A Limited.

14 Q Did something happen to you with respect to your standing  
15 in the Gambino Family while you were in jail?

16 A Yes. After some months of taking everything away from me  
17 step by step, they finally broke me. They took me down I  
18 would say like October of '02.

19 Q What's the term for that, when you get broken or taken  
20 down?

21 A Put me on the shelf.

22 Q Do you know why you were shelved?

23 A They gave an excuse like -- as I said, during the course  
24 of those months, I was up there in population -- that I robbed  
25 money from the family.

1 Q Was that true?

2 A Complete falsehood.

3 Q How long had you been a made member of the Gambino Family  
4 when you were shelved?

5 A Made? I was made '88. So, about fourteen years.

6 Q How long had you been involved with the Gambino Family?

7 A My whole life.

8 Q How did you feel when you learned that you had been  
9 stripped of all your power in the Gambino Family?

10 A It devastated me.

11 Q Who had the authority to make that decision to shelve  
12 you?

13 A The administration of the family, Pete Gotti, Arnold  
14 Squitieri, Joe Corozzo.

15 Q After you learned you had been shelved, did you make a  
16 decision as to how to handle the case against you?

17 A Yes. I decided to cooperate.

18 Q When you decided to cooperate, did you meet with federal  
19 prosecutors?

20 A Yes.

21 Q During that meeting, were you truthful?

22 A Yes.

23 Q Had you ever been truthful with law enforcement before in  
24 your life?

25 A No.

1 Q Why not?

2 A My job not to tell the truth to them.

3 Q During the first meeting, did you admit to your role in  
4 the murder of Frederick Weiss?

5 A Yes.

6 Q Did you admit to your role in the extortion of the  
7 New York City construction industry?

8 A Yes.

9 Q Did you admit to loan-sharking?

10 A Yes.

11 Q Did you admit to all the crimes that were charged in that  
12 case against you?

13 A Yes.

14 Q Did you admit to other crimes you were not charged with?

15 A Some.

16 Q Did you admit to the other murders you testified about?

17 A Yes.

18 Q Why did you admit to these crimes if you hadn't been  
19 charged with them?

20 A I was guilty of them.

21 Q Why were you telling the government that you were guilty  
22 of these crimes?

23 A Because you got in to the government, you got to tell the  
24 truth.

25 MS. SHARKEY: Objection.

1 THE COURT: Ask him what his sense was, not what  
2 actually was the case. What did he think about why he had to  
3 tell the truth?

4 Q What did you think about why you had to tell the truth  
5 when you met with the government?

6 A Well, you're not going to go in there and play games.  
7 You have to tell the truth. You can't get caught lying at  
8 that point. Why go in if you are going to do that?

9 MS. SHARKEY: Objection.

10 Q After that initial meeting, did you meet with the  
11 government again?

12 A Yes, when I was out on bail.

13 Q Did it pose security risks for you to meet with the  
14 government while you were in jail?

15 A Absolutely.

16 Q How?

17 A I was going back to my cell, the population. If it ever  
18 got out, I could maybe get killed.

19 Q If what got out?

20 A That I was cooperating.

21 Q So, how did you deal with that problem that you needed to  
22 meet with the government and you were in jail?

23 A My lawyer and the government proposed a bail package that  
24 I would get out on bail. My mother was ailing and she was  
25 dying in the hospital, and that was one of my requests.

1 Q What did that bail package look like?

2 A It was a compassionate bail for two weeks.

3 Q Did the government take a position on whether or not you  
4 should be released on bail?

5 A I believe they took no position.

6 Q Was your mother indeed sick at the time?

7 A Yes.

8 Q Was that the primary reason you were granted bail?

9 A No.

10 Q Did the judge know you were cooperating and the  
11 compassionate bail story was a cover story?

12 A Yes.

13 MS. SHARKEY: Objection.

14 Withdrawn.

15 Q Did you agree to do anything for the government during  
16 those two weeks that you were out on compassionate bail?

17 A Yes. They wanted me to wear a tape-recording device and  
18 tape several individuals, if I could.

19 Q Did the government direct you to make recordings of  
20 certain specific individuals?

21 A Yes.

22 Q Were you able to make recordings of those people?

23 A Not those three, no.

24 Q Which three were they?

25 A Johnny Rizzo, Lou Carbonaro and Joseph Corozzo.

1 Q Why weren't you able to record those three?

2 A I couldn't get them to a meeting.

3 Q Were you able to make recordings of other gangsters?

4 A Yes.

5 Q Did you tell any gangsters about your decision to  
6 cooperate?

7 A Before I left MCC, I was locked up with my  
8 brother-in-law, Frank Fappiano, ex brother-in-law at the time.  
9 Frankie I know, his whole life. I felt obliged to tell  
10 Frankie what I was going to do and that he should do the same.

11 Q Were you worried he would tell others?

12 A I took a shot.

13 Q Excuse me?

14 A I took a shot.

15 Q What would have happened to you if he had told others?

16 A I could have got killed.

17 Q Did you have an understanding with the government as to  
18 what was going to happen to you at the end of the two weeks?

19 A Yes. I was going to be brought to a safe house, a  
20 neutral place, where -- out of the city somewhere, where I  
21 could be debriefed further.

22 Q What does that mean, to be debriefed?

23 A Talk about your crimes and everybody else's crimes as  
24 much as you can do in X amount of hours.

25 Q During the two weeks you were out on bail, were you under

1 any restrictions?

2 A Yes. I could go see my mother in the hospital, lawyers  
3 visits, doctor visits.

4 Q Were you monitored?

5 A Yes. Sure. There was a camera in front of the house, I  
6 wore an ankle bracelet, and the FBI was outside 24/seven.

7 Q Where were you living during that two-week period?

8 A With my girlfriend Madeline and my son Anthony in Staten  
9 Island.

10 Q This is the girlfriend after you split with your first  
11 wife --

12 A Correct.

13 Q -- and the child you had with her?

14 A Right.

15 Q Did you go see your doctor while you were out on bail?

16 A Yes.

17 Q Did the FBI approve of that?

18 A Yes.

19 Q What was the reason?

20 A When I first walked into the office in November, I was  
21 having a lot of guilt. Forget about it. I was destroyed. I  
22 couldn't believe I walked into that office, and I had asked to  
23 leave some people out that wouldn't be prosecuted, and they  
24 denied it, and I had thought I could leave some people out,  
25 and it really bothered me. I couldn't hurt certain peoples.



1 I was filled with guilt. I couldn't sleep. At the time I  
2 went out and went home, I would sleep ten or fifteen minutes  
3 at a time. I needed to go to sleep to collect my faculties.

4 Q That's why you went to see the doctor?

5 A I asked permission to see a psychiatrist, so I could get  
6 something to sleep.

7 Q Does the doctor prescribe anything for you?

8 A Yes, Ambien and Zolofit.

9 Q When you went home, did you take the medication as  
10 prescribed?

11 A Yes.

12 Q Did you fall asleep that night?

13 A Finally fell asleep.

14 Q What happened next?

15 A I woke up in the middle of the night. I was having a lot  
16 of guilt again, had some bad dreams, thinking about dying a  
17 good soldier. I couldn't go through with this. And I walked  
18 downstairs to take some more pills, so I could go back to  
19 sleep. Went down to the sink.

20 When I was going downstairs, I like history and die  
21 with a little glory and honor, samurai, fall on a sword, or a  
22 Roman, slit his wrist and sit in a hot bath.

23 I didn't want to ruin the legacy that I built up  
24 with my grandparents. I went to the sink. I said, I hope my  
25 friend John appreciates this. I swallowed all the pills.

1 Went back upstairs, checked out my wife and son, said  
2 good-bye, and I went to sleep.

3 Q When you said you hope your friend John appreciates this,  
4 who were you talking about?

5 A Junior.

6 Q John Gotti, Jr.?

7 A Yes.

8 Q What happened next, after you took all the pills?

9 A I woke up in the hospital.

10 Q Who was there when you woke up?

11 A Madeline was standing there, and I was really angry with  
12 her for waking me up.

13 Q Who else was was there?

14 A All the FBI.

15 Q How long did you stay at the hospital?

16 A Several days.

17 Q Could you keep your voice up, please.

18 A Several days.

19 Q Where did you go next from the hospital?

20 A To MCC. There was a terrorist unit up was there. They  
21 gave me those accommodations at that time.

22 Q What was the MCC?

23 A It's a detention center in Manhattan. I wasn't in the  
24 population. Upstairs, they had a detention center for the  
25 terrorists.

1 Q What were the conditions like there?

2 A Pretty bad. Lights on 24/seven, two cameras in your  
3 cell, no heat, no hot water. When I first got in there, I was  
4 naked for about a week.

5 Q How long did the conditions like that last?

6 A Well, I finally got some clothes. The conditions stayed  
7 the same. The food, playing with my food and doing all kinds  
8 of crazy stuff. That lasted to May 22, when I went down to  
9 another secured unit with other people.

10 Q From November to May, that's about six months?

11 A December. I think it was the first couple of days of  
12 December.

13 Q December to May, six months. During that six months, did  
14 you have meetings with the government?

15 A I believe I had one in January. I stopped. I couldn't  
16 do it. I went back to my cell, and then later on, I believe I  
17 resumed in March.

18 Q Did there come a time that you made a final decision  
19 about cooperating?

20 A Yes. Like I said, in January, when I left that meeting  
21 again, I went back and resigned myself to the fact that I'm  
22 just going to die in the cell. My son Michael visited me  
23 because of the issues with his mother. She didn't want him to  
24 come up and visit me.

25 Q This is Michael, your son from your first marriage?

1 A Yes. Understandably, she was still angry with me. He  
2 finally came up. I was happy to see the kid.

3 On, I believe, the second visit coming up, which I  
4 had one visit a week for like a half hour or so, he told me he  
5 had gone to see Uncle John, John, Jr. He had sent for him to  
6 go see him in Raybrook Prison. John was being kept up there.  
7 He told my son that he would forgive me if I didn't testify,  
8 and that he would forgive me like I was his brother Peter, and  
9 that he would pay some lawyer fees or anything else I needed  
10 at the time.

11 I took this as a direct pledge that he had access to  
12 my son and could hurt my son at any time. He manipulated my  
13 son with all these niceties he was saying about me to try to  
14 make my son give me guilt.

15 Q Your son was delivering a message to you from John Gotti,  
16 Jr.?

17 A Indirectly.

18 MS. SHARKEY: Objection.

19 THE COURT: Overruled.

20 A Indirectly. It was a subtle message that I would  
21 understand.

22 Q What was your son's attitude about your cooperation?

23 A He don't talk to me until today.

24 Q Has he still not talked to you?

25 A No. I would call his phone once in a while when I got a

1 chance through the marshals. No good. He would hang up, or  
2 say a couple of things and hangs up. He don't talk to me.

3 Q Why doesn't your son talk to you?

4 A I guess there's a multitude of reasons. My cooperation,  
5 I guess, now being paramount, and having the child with  
6 another woman.

7 Q Why would your son be upset with your decision to  
8 cooperate?

9 A It's what I taught him his whole life.

10 Q Do you remember the date when you made the final decision  
11 to cooperate?

12 A I believe it was mid-March. Mid-March.

13 Q What year?

14 A '03. I'm sorry.

15 Q After that point, were you debriefed more fully by the  
16 government?

17 A Yes.

18 Q Did you discuss other crimes you committed?

19 A Yes.

20 Q Did you discuss crimes that other people committed?

21 A Yes.

22 Q How many people did you talk about, approximately?

23 A In March or till now?

24 Q That you were debriefed about through now.

25 A Well, debriefings, sometimes they could tell me about

1 this name, and I give them a little snippet and they would  
2 stop, and sometimes it would be fully about a person. It  
3 would be really short, or it could be extensive. Depends. I  
4 have testified in my eleven trials. I met with them who knows  
5 how many times.

6 Q Approximately how many people have you told the  
7 government were involved in criminal activity?

8 A Probably hundreds.

9 Q How many people in the Gambino Family specifically would  
10 you estimate that you were debriefed about?

11 A Probably just about -- like I said, mentioned a name, and  
12 I gave them a little bit, or extensively. Probably just about  
13 everybody that I recognized or knew. 100, 200. We got  
14 260-plus guys in jail or died. Talked about guys that died,  
15 also.

16 Q Were you debriefed about people in other organized crime  
17 families?

18 A Yes, other bosses and administrations.

19 Q When you were debriefed, did the agents take notes?

20 A Sometimes yes, sometimes no.

21 Q Do you know if the agents later wrote reports based on  
22 your debriefings?

23 A As far as I know about these things, they usually do. I  
24 was not there with them writing notes or reports.

25 Q Have you ever seen any reports that are based on your

1 debriefings?

2 A On my debriefings?

3 Q Yes.

4 A Only in court.

5 Q When you say "in court," how did you see them in court?

6 A Typically through the defense attorneys would show me  
7 something on an FBI report or prosecutor's writings or  
8 something.

9 Q Has the government ever shown you a report that's been  
10 written about any of your debriefings?

11 A Unless, like I said, the same proceeding, like it was  
12 counteracting a defense issue. But otherwise, outside of  
13 that, no.

14 Q The same piece of paper the defense showed you the first  
15 time?

16 A That's correct.

17 Q You testified you -- you previously testified that this  
18 is your eleventh time testifying in court; is that correct?

19 A Right.

20 Q Do you know if reports were written on every single  
21 person or crime you told the government about?

22 A Like I articulated later -- before, I don't know.

23 Q Did there come a time when you pled guilty?

24 A Yes.

25 Q Were you required to forfeit any property?

1 A Yes.

2 Q What property?

3 A 51 acres in Roscoe, New York.

4 Q Did you plead guilty only to the charges that were  
5 pending against you in the Southern District?

6 A No.

7 Q You were charged with the murder of Fred Weiss in that  
8 case. Did you plead guilty to that murder?

9 A Yes.

10 Q You were also charged with the construction company  
11 extortions. Did you plead guilty to that?

12 A Yes.

13 Q Did you plead guilty to money laundering?

14 A Yes.

15 Q Stock fraud?

16 A Yes.

17 Q Loansharking?

18 A Yes.

19 Q Illegal gambling?

20 A Not sure.

21 Q Did you plead guilty to the murder of the person you know  
22 as Jack, the one who was loaded into the trunk and you  
23 followed in the crash car?

24 A Yes.

25 Q Had you been charged with that murder at the time you



1 were arrested in 2002?

2 A They didn't even know about it.

3 Q How did the government learn about it?

4 A Through me.

5 Q Did you plead guilty to the murder of Frank Heide1?

6 A Yes.

7 Q Had you been charged with that murder at the time you  
8 were arrested in 2002?

9 A No.

10 Q Do you know if the government had a case against you for  
11 that crime?

12 A They didn't know my involvement in that case.

13 Q How did they learn about it?

14 A Me.

15 Q Why did you tell the government about the murders you  
16 committed if they didn't know about them?

17 A Once again, you can't leave out any murder or any crimes.

18 MS. SHARKEY: I'm sorry. Can I have that last  
19 answer read back, please?

20 THE COURT: Yesterday:

21 (Record read.)

22 Q You testified you also pled guilty to the crimes you  
23 previously were found not guilty of in Atlanta; is that  
24 correct?

25 A That's correct.

1 Q You will be acquitted of those charges after a trial?

2 A Right.

3 Q Why did you plead guilty to them?

4 A I was guilty.

5 Q When you pled guilty, did you plead guilty to every  
6 single crime you committed in your life?

7 A No.

8 Q Were there any charges that the government wanted you to  
9 plead guilty to that you referred to?

10 A No.

11 Q Have you been sentenced for your crimes?

12 A No.

13 Q When you pled guilty, and before that, when you were  
14 cooperating with the government, did you strike a deal with  
15 the government as to what your sentence would be?

16 A No.

17 Q Did the government at any time promise you what your  
18 sentence would be?

19 A No.

20 Q Has anyone in the government ever promised you what your  
21 sentence would be?

22 A No.

23 Q What is your understanding about the maximum sentence you  
24 face under your cooperation agreement?

25 A Life.

1 Q Showing you what was marked as Government's Exhibit  
2 3500-MD-1?

3 Do you recognize that document.

4 A Yes.

5 Q What is it?

6 A The agreement.

7 Q What agreement?

8 A Plea agreement.

9 Q Anybody special's plea agreement?

10 A Southern District, Justice Department.

11 Q Is it your cooperation agreement with the government?

12 A Right. It has my signature on it.

13 Q Which office is that cooperation agreement?

14 THE WITNESS: Southern District of New York.

15 Q What district are we in now?

16 A Eastern.

17 MR. BURLINGAME: I would offer Government's Exhibit  
18 3500-MD-1.

19 MS. SHARKEY: Objection.

20 THE COURT: Sustained.

21 Q When you pled guilty and signed this agreement, what  
22 happened to your house on Staten Island where you were living  
23 -- where you were living at the time -- or, where your current  
24 wife was living at the time? Sorry.

25 A My --

1 Q Let me redo the question?

2 When you pled guilty and signed your cooperation  
3 agreement, what happened to your house on Staten Island, where  
4 your current wife Madeline was living at the time.

5 A Yes. Madeline kept it.

6 Q Did the government say that she could keep it?

7 A Yes.

8 Q What about your first wife?

9 A That house was given to her way before anything,  
10 cooperation or anything. I was still on the street when I  
11 gave it to her. I gave it to her and my son Michael.

12 Q The house that your current wife was in, was that sold at  
13 some point?

14 A Yes.

15 Q What happened to the proceeds of the sale?

16 A The government seized it.

17 Q Do you have any understanding that you will be subjected  
18 to fines and penalties and restitution when you are sentenced?

19 A Correct.

20 Q Do you know if the money from the house sale will go  
21 towards that?

22 A Yes. But Madeline is not happy about it.

23 Q During the time that you were in the Witness Protection  
24 Program, did you receive financial assistants from the U.S.  
25 Marshals Service?

1 A Yes.

2 Q Did you receive monthly assistance?

3 A Yes.

4 Q How much did you get each month?

5 A Started out in one place that I was 2500 a month plus  
6 medical expenses. Whenever I had medical issues, they would  
7 take care of it. Then it went down to 2200 a month from the  
8 marshals, also with medical expenses.

9 Q Aside from the monthly 22 or 2500 and the medical  
10 expenses, do the marshals pay for any other expenses for you?

11 A Yes. When you come into the program, you are not allowed  
12 to take anything you had in your previous life, just one  
13 little bag each. Like you get on an airplane. That's all you  
14 are allowed to take. They give you \$8,000 for furniture,  
15 \$10,000 for a car, like I said, medical expenses, and I think  
16 that's about it, and the funding every month.

17 Q Do you know how much money has been spent on you with  
18 respect to the Witness Protection Program?

19 A No, not exactly. I seen something in a prior trial with  
20 a number that has probably gone up.

21 Q Who is supporting you right now?

22 A The FBI.

23 Q Do you also have a job?

24 A No. I can't hold a job right now.

25 Q Why can't you hold a job right now?

1 A Because I'm on the phone usually with you guys or the  
2 FBI, or going to meet them, or trials. I've had so many  
3 trials in a short period of time, it would be just about  
4 impossible to carry a job.

5 Q When you say "you guys," you are talking about federal  
6 prosecutors?

7 A Yes. Sorry.

8 Q How often are you debriefed?

9 A I'm on the phone three, four, five times a month at times  
10 for hours or short calls, but I have to make myself available  
11 for these calls and trips.

12 Q When you testify at trial, do you typically meet with the  
13 government numerous times to prepare?

14 A That's correct.

15 Q You've testified -- this is your eleventh trial?

16 A Yes.

17 Q Over what period of time have you testified in those  
18 eleven trials?

19 A I believe the first one was in '04, and then there was a  
20 bunch in '05. Probably the bulk of them from '05 until now,  
21 mid-'05.

22 Q What is your understanding of your obligations under your  
23 cooperation agreement?

24 A Come in when called, whether it be a court or grand jury  
25 or debriefings, whenever the government wants, and tell the

1 truth.

2 Q What has the government agreed to do if you live up to  
3 your part of the cooperation agreement?

4 A They write what they call a 5K letter. It tells the  
5 judge everything that I have done bad in my life, and also  
6 what I have done in my cooperation.

7 Q Has the government also agreed to provide protection for  
8 you and your family?

9 A Yes.

10 Q You mentioned a 5K letter. Can you explain what that is?

11 A I think I did.

12 Q I'm sorry?

13 Can you explain it again?

14 A Sure.

15 It's a letter that all the districts or wherever you  
16 testified or give information in cases, they write you a  
17 letter, and it goes in to the judge, all your testimony and  
18 cooperation. They also put in there whatever crimes you have  
19 done in your life. They compile that and give that to the  
20 judge.

21 Q What effect does the 5K have?

22 A Well, the judge reads it over and sees -- deems what  
23 sentence should be given out.

24 Q Do you have an understanding of whether you can withdraw  
25 your guilty plea if the government ultimately decides not to

1 file a 5K letter for you?

2 A I can't.

3 Q If the government files the letter, can the judges still  
4 sentence you to life in jail?

5 A Yes.

6 Q At the time of sentencing, is the government going to  
7 recommend to the sentencing judge any particular sentence for  
8 you?

9 A No.

10 Q Do you know whether the government's decision to file a  
11 5K turns on the outcome of this trial?

12 A No, it don't.

13 Q You don't know?

14 A No, it does not.

15 Q You testified that you've -- this is your eleventh time  
16 testifying. How many defendants have been involved in the  
17 trials you've testified in?

18 A Got to be about sixteen I would say, seventeen, eighteen.

19 Q What is your understanding about what will happen to you  
20 if you are not truthful in your testimony in this trial?

21 A They could make my agreement null and void.

22 Q Would you still get the 5K letter?

23 A No.

24 Q Would you be able to take your guilty pleas back to the  
25 three murders and the other crimes?



1 A No.

2 Q And how much time are you facing on each of the three  
3 murders you pled to?

4 A Life count.

5 MR. BURLINGAME: I have nothing further, your Honor.

6 THE COURT: Do you want to start five minutes or do  
7 you want to break?

8 MS. SHARKEY: I think it makes sense to break, your  
9 Honor.

10 THE COURT: Break?

11 MS. SHARKEY: Yes.

12 THE COURT: Take an hour, and please be back at  
13 1:30.

14 (Jury excused.)

15 THE COURT: All right. 1:30, please.

16 (Lunch recess.)

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1                   A F T E R N O O N                   S E S S I O N

2                   (The following occurred in the absence of the jury.)

3                   THE COURT: Bring in the witness, please.

4                   All right. Bring in the witness and the defendant,  
5 please.

6                   The defendant is here now.

7                   (Defendant is present.)

8                   (The witness is present.)

9                   THE COURT: All right. Have the jury come in,  
10 please.

11                  The defendant is here and the witness is on the  
12 stand.

13                  Get ready to start your cross, please.

14                  MS. SHARKEY: Yes, Your Honor.

15                  Is the screen on for a reason during cross? Why is  
16 the screen on?

17                  (Pause.)

18                  (Jury present.)

19                  THE COURT: All right. Sit down, everybody.

20                  I am trying to get the room heated up. I see some  
21 of the jurors seem a little chilly.

22                  Proceed, please.

23                  MS. SHARKEY: Thank you, Judge.

24                  (Continued on next page.)

25

1 CROSS-EXAMINATION

2 BY MS. SHARKEY:

3 Q Good afternoon, Mr. DiLeonardo.

4 A Good afternoon.

5 Q Now, you testified on direct examination right before the  
6 lunch break that you have testified in numerous trials since  
7 your arrest in June of '02. Right?

8 A Correct.

9 Q And that would be about eleven, right?

10 A Correct.

11 Q And you have also testified in hearings, in addition to  
12 the trial testimony, correct?

13 A One of them was inclusive of a hearing, there is  
14 testimony.

15 Q It would be accurate to say that prior to your  
16 testifying, you worked with the prosecutors who were  
17 prosecuting those cases, right?

18 A Yes.

19 Q Worked with FBI agents concerning the content of your  
20 testimony, right?

21 A That's correct.

22 Q And you referred back to previous testimony as it related  
23 to the testimony in which you were testifying on that day,  
24 right?

25 A No.

1 Q Never?

2 A Previous testimony? During the course of another trial?

3 Q Did you ever talk about the testimony you gave at  
4 previous trials with agents? Yes or no?

5 A I don't believe I discussed any cases as testimony-wise.

6 Q Did you ever talk with prosecuting agents about testimony  
7 that you gave at previous trials, for other prosecutors?

8 A It would depend on the content. I am not sure if I could  
9 give you a complete specific -- specificity of which one it  
10 was, what -- we have talked about other trials but not as far  
11 as going over testimony.

12 Q Going over areas in which you testified?

13 A Yes. If they touched on the same areas, that's what I  
14 guess I am getting to, yes.

15 Q It would be accurate to say that you have worked with  
16 numerous prosecutors over the years, right?

17 A Yes. I probably lost count.

18 Q It would be fair to say that your working with the  
19 prosecutors and the agents is all in furtherance of your goal  
20 of staying out of jail, right?

21 A Sure.

22 Q To be fair, it would be -- it would be fair to say that  
23 it sort of turned into a career for you, right?

24 A Well --

25 MR. BURLINGAME: Objection.

1 A I'd like to answer it.

2 THE COURT: I will allow it.

3 A Thank you.

4 This --

5 Q Yes or no?

6 A This -- it is not my job nor my career and I -- I really  
7 don't want to be sitting up here.

8 Q Are you working, Mr. DiLeonardo?

9 A No.

10 Q Is the government paying for your housing?

11 A Yes.

12 Q Is the government paying for food allowance?

13 A Yes.

14 Q Are they flying you wherever you live to here to testify?

15 A That's correct.

16 Q Calling you up on the phone and talking to you?

17 A Correct.

18 Q Paying for many of your household utilities bills?

19 A Well, it's inclusive in the subsidy.

20 Q Right?

21 A It's inclusive, yes.

22 Q It would be accurate to say that at the moment your  
23 career is to testify for the government, right?

24 A That's incorrect, counsel. I beg to differ with you.

25 Q Well, do you do anything else to make money?

1 A No. Like I said, I can't right now.

2 My wife has a part-time job.

3 Q Okay. It would also be accurate to say that you take  
4 testifying very seriously, right?

5 A Yes. I don't like being up here, that's correct.

6 Q Well, when I say you take it very seriously, every time  
7 you hit the stand you are working for that 5K letter, right,  
8 Mr. DiLeonardo?

9 A I'm fulfilling an obligation that I have, yes, if that's  
10 what it says. But if they never called me again, I'd be very  
11 happy.

12 Q And you are interested in performing well, right?

13 A I am interested in telling the truth, counsel. Don't --  
14 I don't give in to any whims of any prosecutors, agents or  
15 anything else. The best of my recollection is, that's what it  
16 is, whether they like it or not.

17 Q Mr. DiLeonardo, you check out before you testify at a  
18 trial in which you are testifying on the net, right?

19 A I check out?

20 Q Yes.

21 You research the trial that you are being called to  
22 testify at on the Internet sometimes, don't you?

23 A No, I don't do any research.

24 Q Well, do you ever turn on a computer and go on Gangland?

25 A I used to, sure. I read Gangland going way back, sure.

1 Q And for members of the jury, Gangland is a website that  
2 is authored by a man named Jerry Capeci, right?

3 A Yes.

4 Q And Gangland is purported to chronicle the lives of  
5 mobsters, right?

6 A Yes.

7 Q It is a public website, right?

8 A That's correct.

9 Q And you have been on this website?

10 A In the past, yes.

11 Q You have been on that website reading about trials that  
12 were upcoming in which you were scheduled to testify, right?

13 A Yes. At times in the past, yes.

14 Q It would also be accurate to say that prior to your  
15 testifying at trials, you read the newspapers sometimes,  
16 right?

17 A Oh, I always read the newspaper when I can, sure.

18 Q And you read the articles, Mr. DiLeonardo, about the  
19 defendants against whom you are slated to testify, right?

20 A I have been avoiding them, but in the past, yes, I did.

21 Q You testified on direct examination that you have even  
22 read the, what is called the 302s, right?

23 A When I was in the street. Not -- not post-cooperation,  
24 pre-cooperation.

25 Q Mr. DiLeonardo, a 302 is an FBI document, right?

1 A That's correct.

2 Q A 302 records, memorializes, the statements of witnesses  
3 who are debriefed or interviewed by government agents, right?

4 A That's correct. Usually paraphrased or snippet or two on  
5 the subject or sometimes it could be lengthy, yes.

6 Q Mr. DiLeonardo, you are familiar with 302s, right?

7 A Oh, absolutely.

8 That was part of my job in the street.

9 Q And you have also read what has been said about you,  
10 right?

11 A Sure.

12 Q That would be by other cooperating witnesses, right?

13 A Absolutely.

14 Q Now, you have what is called a handler, correct?

15 A FBI agent, yes.

16 Q An FBI agent is assigned to you, is that correct?

17 A Yes, that's correct.

18 Q You have had a number of those over the years, or one  
19 person?

20 A Well, directly I have had two, I would say. Two, yes.

21 Q You testified on direct examination about the Witness  
22 Security Program, right?

23 A Yes.

24 Q Are you currently in the Witness Security Program?

25 A No.



1 Q Yet, you still are funded by the FBI, correct?

2 A Well, before it wasn't the FBI. It was Marshal Service.  
3 The witness security funded me. Then when I left the program,  
4 now it's the FBI.

5 Q You testified on direct examination that you left the  
6 Witness Security Program which was run by the marshals, right?

7 A Correct.

8 Q You testified on direct examination that you left the  
9 Witness Security Program because your wife, your second wife,  
10 whom you referred to as Madeline, didn't like moving around,  
11 correct?

12 A Yes. There were several reasons, yes.

13 Q There were additional reasons, right?

14 A Right.

15 Q Some of those were that you were unable to comply with  
16 the rigors of the Marshal Service program, right?

17 A Yes. They were extensive, but the moving was a priority.

18 Q You broke a lot of rules, right?

19 A Yes. I broke some rules.

20 Q Pardon?

21 A Yes, I did.

22 Q One of the rules that you broke was keeping contact with  
23 fellow crime members, right?

24 A Associates of mine that were friends of mine in the  
25 street. No wiseguys.

1 Q Well, an associate of yours would be an individual that  
2 you knew from your life of crime, right?

3 A Absolutely.

4 Q And the Marshal Service said enough, they cut you off,  
5 right?

6 A No.

7 Q You left the program, right?

8 A Yes, dear.

9 Q You didn't lose your cooperation agreement, right?

10 A That wasn't part of my cooperation agreement.

11 Q Well, the government didn't ask Judge Casey to revoke  
12 your bail, right?

13 A I believe Judge Casey had died by then.

14 Q Oh, you are right.

15 The government didn't ask the judge in front of whom  
16 you will ultimately be sentenced to revoke your bail, correct?

17 A No, they did not.

18 Q Now, Mr. DiLeonardo, how often are you contacted by FBI  
19 agents where you live?

20 A I would say at least three, four, five times a month.  
21 Depends.

22 Q You are also contacted by prosecutors, right?

23 A Usually one and the same.

24 Q From around the country?

25 A Yes.

1 Q It would be accurate to say, all of that is in relation  
2 to your testimony at trials, correct?

3 A Yes. And/or gathering information. Sometimes it doesn't  
4 lead to a trial, I guess.

5 Q Part of your relationship with the agents is to recruit  
6 new cooperators, right?

7 A At that time, that's why I was in contact initially with  
8 those fellows we talked about. The agents had asked me to  
9 solicit them on the telephone to see if they would come in.  
10 So that was part of the process you explained earlier, why I  
11 was in contact and let me still talking to them, right.

12 Q Mr. DiLeonardo, if you can, would you keep your voice up?  
13 You have a deep voice.

14 A Yes, sure.

15 Q That was against the Marshal Service rules?

16 A Yes, at that time.

17 We, early on when I first cooperated, I was in the  
18 BOP and then I was in units when I was in prison.

19 Q You have testified just a couple of minutes ago that  
20 there were a number of reasons or a number of rules you broke  
21 under the Marshal Service.

22 What are some of the others?

23 A That would be it, the contact.

24 Q So it is clear for the members of the jury, you reached  
25 out and made contact while you are cooperating with the

1 prosecutors with persons with whom you had committed crimes  
2 within the past, right?

3 A Yes.

4 Like I articulated earlier, it was with their  
5 permission in the beginning. Nobody ever told me to stop, in  
6 the prosecutors.

7 Q The first time you testified about this was in '07,  
8 right?

9 A I would say, April '07, yes.

10 Q At the time you testified about it, the prosecutors on  
11 that case didn't know you were reaching out to people in the  
12 street, right?

13 A Different district.

14 Q You mean, these guys -- it is your information that the  
15 people in the Eastern District don't talk to the office across  
16 the river?

17 A Well, I don't know their protocols. But I was under the  
18 guidance of Southern District at the time when I was making  
19 those phone calls.

20 Q Do you talk to prosecutors from the Eastern District and  
21 the Southern District?

22 A Sure.

23 Q You have the same FBI handler, correct?

24 A Now I do, yes.

25 Q I mean, when you are working with the Eastern District

1 and the Southern District, you don't have separate handlers,  
2 right?

3 A No.

4 But when this first started, there was a different  
5 agent assigned to the case and then it switched.

6 Q Now, when you are testifying in court, sir, you focus on  
7 areas that the government has told you is important for the  
8 particular case, right?

9 A No. Not really told me what's important. It was just  
10 that as you know the subject, if it's talking about a murder,  
11 you know it's important. They didn't say this is important.  
12 You know through the questioning or the -- that they have what  
13 is important.

14 Q You testified earlier today that throughout your course  
15 of conversations, you would be alerted to the trial that was  
16 upcoming and the information that they sought to elicit from  
17 you, correct?

18 A Yes.

19 Usually starts with just questioning and then you  
20 get -- I get a feel of where they are going, who is possibly  
21 going to be indicted sooner or later and get a case. Like I  
22 said, sometimes they will just touch on guys. You feel that  
23 nothing will come up. Later on when they start talking more  
24 in depth, then you feel the guy is going to get pinched.

25 Q Well, Mr. DiLeonardo, when you testify in court, like you

1 are here, you are conscious of how that testimony may relate  
2 to a future time when you testify in court, correct?

3 A That's correct.

4 Q You are very cognizant of your words on paper, right?

5 A I try to be.

6 Q You are very cognizant because you try not to get tripped  
7 up in future cases, right?

8 A Yes.

9 Because sometimes when you speak in front of  
10 one -- in one case, it's like almost splitting a hair as to  
11 how far you could give information according to the judge  
12 and/or prosecutor, defense attorney on what you could say. So  
13 you are limited on what you say about that person. Sometimes  
14 they are precluded, other situations. So I made a comment one  
15 time about splitting hairs.

16 Q So is it your testimony that you are concerned about the  
17 Rules of Evidence, which makes you cognizant of your future  
18 testimony?

19 A Makes me cognizant? Yes, sure, I am aware, absolutely.

20 Q Mr. DiLeonardo, you are a smart guy, right?

21 A I don't know. That's up to you and everybody else.

22 Q Well spoken, Mr. DiLeonardo?

23 A Excuse me?

24 Q You are well spoken?

25 A Thank you.

1 Q You fancy yourself a student of history?

2 A Yes.

3 Q Right?

4 You want to keep yourself valuable to the  
5 prosecutors, right?

6 A No.

7 I like to be consistent in what I say and, you know,  
8 like I said, just try to tell the truth as best as I recollect  
9 it at the time.

10 Q Mr. DiLeonardo, the prosecutor's good favor is what keeps  
11 you out of jail, right?

12 A No.

13 The agreement that I had on bail with my lawyer and  
14 the prosecutors. If you want to deem that good favor, if they  
15 thought I did something wrong, I'm sure they would pull my  
16 bail.

17 Q Well, you testified right before lunch that it is your  
18 understanding that when they call, you come, right?

19 A Beck and call, that's correct.

20 Q Now, you testified earlier, a few moments ago, that you  
21 have talked to people on the street with whom you have  
22 committed crimes in the past, right?

23 A Right.

24 Q You have attempted to elicit them to join the Witness  
25 Protection Program or to cooperate with government agents,

1 right?

2 A Yes.

3 It wasn't the program. Whatever the agent would do  
4 with them in the street, whether come and put their hand up or  
5 not or work with them covertly, that was up to them. I opened  
6 the door and tried to make those phone calls for them, which I  
7 did.

8 Q When you spoke with them, did you speak about other  
9 matters?

10 A No.

11 Just I thought it was in their best interest if they  
12 cooperated.

13 Q Were the only people that you reached out potential  
14 cooperators or did you also reach out to old friends, just to  
15 say hi?

16 A Old friends just to say hi.

17 Q Sometimes you met with these old friends, right?

18 A That's correct.

19 Q During the course of your cooperation when you would meet  
20 with these old friends, it is your testimony that you weren't  
21 committing crimes with them, right?

22 A That's correct.

23 Q You were just meeting them saying hello, catching up on  
24 old business, correct?

25 A Yes. I missed them, sure.



1 Q Now, you have characterized yourself, or you have told  
2 this jury that you have participated in three murders, right?

3 A That's correct, ma'am.

4 Q And it would also be accurate to characterize you through  
5 the course of your life as a thief, right?

6 A Yes.

7 Q An extortionist, right?

8 A Yes.

9 Q A liar, right?

10 A That's correct.

11 Q You have lied most of your life?

12 A When I had to lie, certain situations, law enforcement,  
13 yes, or to help somebody or help myself, yes.

14 Q Well, you have lied to your very close friends, haven't  
15 you?

16 A Of course.

17 My wife too, sure.

18 Q And you have lied to your wife, right?

19 A That's correct.

20 Q And you lied to your mother as she lay dying in bed in a  
21 hospital, right?

22 A I don't recall.

23 Q When you were out on compassionate bail, were you wearing  
24 a wire?

25 A I had to wear a wire at all times when I walked out the

1 door.

2 Q Your mother was dying in the hospital, right?

3 A That's correct.

4 Q Did she know that your conversations were being listened  
5 to by FBI agents?

6 A No.

7 My mother was dying and I didn't want to put her  
8 through the stress at that time to tell her that I was  
9 cooperating or wearing a wire. Later on I did tell her I was  
10 cooperating.

11 Q That's after it was out in public, right?

12 A Yes.

13 But this is my mother. I didn't commit any crimes  
14 with my mother to capture on a tape or inculcate her on any  
15 crimes. It's my mother.

16 Q Let's hope not, Mr. DiLeonardo, respectfully, sir.

17 A That's not nice. That's not nice.

18 Q When you were talking with your mother in the hospital as  
19 she lay dying, she didn't know that those conversations were  
20 being listened to by FBI agents, right?

21 MR. BURLINGAME: Objection.

22 A That's what I said, absolutely.

23 Q And initially, when you met with your son before you told  
24 him that you were cooperating -- and this kid is sixteen years  
25 old at the time, right?

1 A Yes, sixteen I believe.

2 Q He didn't know --

3 A No, he did not.

4 Q -- that you were wearing a wire?

5 A That's correct.

6 Q Right?

7 A Yes.

8 Q Your own son?

9 A Right.

10 Again, I am not discussing crimes with him. Crimes  
11 of the heart maybe, but not crimes on the street.

12 Q You have lied to your lawyer, right?

13 A One of my lawyers. I had to, to protect him.

14 Q And it would be accurate to say, sir, none of those  
15 people knew you were lying to them at the time you were lying,  
16 right?

17 A Of course not.

18 Q You are good at it, right?

19 A They didn't ask me, first of all. So I just didn't tell  
20 them. But I consider that not telling somebody something,  
21 it's a lie.

22 MS. SHARKEY: Could I have that last answer read  
23 back?

24 THE COURT: Yes.

25 (Record read.)

1 Q Now, you testified on direct examination about some of  
2 the murders in which you have participated, right?

3 A Correct.

4 Q And the first murder that you testified about occurred in  
5 1983, right?

6 A In this area.

7 Q And that witness or the victim in that matter was a man  
8 named Jack, right?

9 A That's correct.

10 Q You don't even know his last name, right?

11 A No, I don't.

12 Q Never bothered to find out?

13 A In that life, ma'am, don't ask. The less you know, you  
14 don't ask what the guy's last name is. You put yourself in  
15 danger.

16 Q Since you have left that life, did you ever seek to find  
17 out this man's last name?

18 A Yes, I did.

19 Q How?

20 A I had asked one of the investigators a long time ago.  
21 They said they didn't know either.

22 Q Your participation in that was as a lookout and a driver,  
23 correct?

24 A Diversionary, yeah.

25 Q When you say diversionary driver, it was your job to

1 drive a crash car in the event you were followed?

2 A Yes.

3 Q You testified on direct examination that you committed  
4 that murder in 1983 at the behest of Sammy the Bull, is that  
5 correct?

6 A Well, actually Paul Castellano. He was the boss. It  
7 went through Sammy. It was his beef.

8 Q You have talked about Sammy a lot through this trial.  
9 That's Sammy Gravano, correct?

10 A That's correct.

11 Q And at one point he was the underboss, as you have  
12 testified, of what you call the Gambino Family, correct?

13 A That's correct.

14 Q Now, Mr. DiLeonardo, when you have committed this murder,  
15 how old were you in 1983?

16 A Twenty-eight.

17 Q You weren't a made member at that point, right?

18 A No.

19 Q You committed this murder because Paul Zaccaro asked you  
20 to, right?

21 A Yes.

22 Q You committed this murder because you wanted to do  
23 whatever Mr. Zaccaro and Mr. Gravano wanted you to do, right?

24 A Yes.

25 It was -- it was actually Cosa Nostra. To further

1    yourself in Cosa Nostra, you would do whatever is asked.

2    Q     Now, you committed this murder with other people, right?

3    A     Yes.

4    Q     Some of those people included Melitto, right?

5    A     Louie Melitto.

6    Q     And Louie Melitto, was he a soldier at that point?

7    A     Yes.

8    Q     And he was a made man at that point, right?

9    A     That's correct.

10   Q     He was known as a killer, right?

11   A     Oh, yeah.

12   Q     He himself was murdered, right?

13   A     That's correct.

14   Q     He was murdered by members of the Gambino Family, right?

15   A     That's correct.

16   Q     He was a valuable guy to the Gambinos, right?

17   A     Absolutely.

18   Q     Now, Mr. DiLeonardo, you also testified about the murder  
19   of Fred Weiss, right?

20   A     Correct.

21   Q     And Mr. Weiss's murder occurred in 1989, right?

22   A     September '89, yes.

23   Q     How old were you then? Twenty-nine?

24   A     No.

25   Q     How old?

1 A Thirty-four, I think. Right? Let's do the math. How  
2 smart am I?

3 Q You committed that murder or you spoke about committing  
4 that murder with other persons, correct?

5 A Oh, yeah, sure.

6 Q And, in fact, you ultimately pled guilty to the  
7 conspiracy to kill Fred Weiss, right?

8 A That's right.

9 Q And a number of people were involved in that, right?

10 A Yes.

11 Q Frank Fappiano?

12 A Yes.

13 Q Your brother-in-law, right?

14 A The same person, yes.

15 Q Joe Watts, who you testified at this case about, right?

16 A Yes.

17 Q Borghese, am I saying it right?

18 A Borghese.

19 Q I am not Italian. So correct my pronunciation freely.

20 Mr. Borghese, right?

21 A Yes.

22 Q Galetta?

23 A Galetta. Anthony Galetta.

24 Q Anthony Galetta.

25 John D'Amico, right?

1 A No.

2 Q He wasn't part of this?

3 A Yes. He was my captain at the time, but not on the hit  
4 squad. He -- he was the one who came out for the message.

5 Q Now, you also talked about participating and planning the  
6 murder of Frank Heide1, right?

7 A Not in the planning of. I just passed a message that he  
8 was cooperating. I was against the hit.

9 Q I'm sorry?

10 A I was against the hit.

11 Q Well, you helped the hit happen, right?

12 A Yes, by passing the message.

13 Q And you ultimately pled guilty to that, right?

14 A That's correct.

15 Q And the reason that you testified that Heide1 was to be  
16 killed was that you believed he was cooperating, right?

17 A Yes.

18 Q You passed that information on to other people, right?

19 A That's correct.

20 Q Both in the Gambino group, right?

21 A Correct.

22 Q And also other groups, right?

23 A No.

24 The other group had passed the message on to me.

25 Then I passed it back when I got two sources. I knew it was



1 solid.

2 Q Okay. Ultimately, Frank Heide1 was killed, right?

3 A That's correct.

4 Q The wrong people took credit for that murder, fair enough  
5 to say?

6 A No.

7 Q No?

8 Did you ever have a conversation with a Persico  
9 complaining that the Dodo brothers were taking credit for  
10 killing Heide1?

11 A Yes. They did it.

12 Q Did anybody else ever take credit for killing Heide1,  
13 that you know of?

14 A Thomas Carbonnaro, the Dono brothers -- he called them  
15 the Dodo brothers -- at the time was their uncle. They were  
16 all under him, one and the same.

17 Q Fair enough.

18 Now, you have committed murders as a member of this  
19 group, right?

20 A That's correct.

21 Q You have participated in the planning of murders as a  
22 member of this group, right?

23 A That is correct.

24 Q The murders are committed in this group, the Gambino  
25 Family, by teams, right?

1 A Yes.

2 Q And they are committed by teams with individuals who have  
3 defined roles, right?

4 A Yes.

5 Q Kind of like when you killed Jack or participated in the  
6 killing of Jack, you knew ahead of time that you were driving  
7 the crash car, right?

8 A That's correct.

9 Q And that you were also the lookout, right?

10 A Yes.

11 Q There are a lot of other guys who had roles in that,  
12 right?

13 A That's correct.

14 Q It would be fair to say that for the Gambino Family,  
15 those teams usually consisted of six to eight people, right?

16 A Yes. Could be more, could be less. It depends.

17 Q Wouldn't it be accurate to say, sir, that when the  
18 Gambino Family, according to you, planned and executed a  
19 murder, that was planned and executed with teams of people,  
20 right?

21 A Absolutely. Multiple cars, backup cars, crash cars, the  
22 hit team, multiple shooters, yes, sure.

23 Q And those teams consisted of six to eight people, right?

24 A Yes. Like I said, yes.

25 Q Pardon?

1 A Yes, like I said.

2 But that is -- it isn't a rule of six to eight. It  
3 could be less. It could be more. Depends.

4 Q Do you remember testifying last year in this courtroom,  
5 sir?

6 A Yes, sure.

7 Q Page 893, Pizzonia, cross-examination, were you asked  
8 this question and did you give this answer?

9 April '07. Page 893.

10 Were you asked this question by --

11 MR. BURLINGAME: Excuse me.

12 MS. SHARKEY: I don't have the 3500 number. It's  
13 this witness' sworn testimony in front of this judge in April  
14 of '07.

15 Q Do you remember that testimony?

16 MR. BURLINGAME: Judge, if I could have a minute to  
17 find it?

18 A Yes. I remember being in this courtroom, sure.

19 THE COURT: I'm sorry?

20 MR. BURLINGAME: If I could just have a minute to  
21 find the testimony that's being referred to.

22 THE COURT: Yes.

23 Give the page and the line.

24 MR. BURLINGAME: Page 893, line 13, date April 12,  
25 2007, in front of Your Honor.

1 THE COURT: Don't make that reference again, please.

2 MS. SHARKEY: Sure, Judge.

3 MR. BURLINGAME: Do you have the 3500 number that we  
4 put on all the documents that we have provided to you for the  
5 transcripts?

6 (Continued on next page.)

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1 (Pause.)

2 MS. SHARKEY: April 7.

3 MR. BURLINGAME: Page 895?

4 MS. SHARKEY: Page 893, line 24.

5 MR. BURLINGAME: For the record, that's Government's  
6 Exhibit 3500-MD-57-B, which was provided to the defense and  
7 the Court.

8 BY MS. SHARKEY:

9 Q Mr. DiLeonardo, were you asked this question by the  
10 government attorney, by the prosecutor:

11 "QUESTION: What was your typical number of people  
12 that might have been involved in a murder?

13 "ANSWER: Depending on where it was, six, eight,  
14 could be six to eight people."

15 Were you asked that question and did you give that  
16 answer.

17 A Absolutely.

18 Q Thank you?

19 Now, you talked a little bit on direct examination  
20 about the number of crimes you've committed; right.

21 A Yes.

22 Q But to be fair, you didn't even touch on all the crimes  
23 that you have committed in your life; right, sir?

24 A That's correct.

25 Q And you've engaged in criminal acts your entire life;

1 right, Mr. DiLeonardo?

2 A Right. I think I said as soon as I walked out the door.

3 Q And you started when you were little; right?

4 A Yes.

5 Q How old are you now?

6 A Fifty-three.

7 Q And you started in your teens; would that be fair?

8 A Yes, sure.

9 Q And you committed robberies when you were in your teens;  
10 right?

11 A Right.

12 Q And you had a group of friends; right?

13 A I had a gang.

14 Q You had a gang. Did you have a name?

15 A We were the 15th Avenue Boys at one time, Brooklyn.

16 Q And the 15th Avenue Boys used to commit a lot of  
17 robberies; right?

18 A Small petty robberies; right.

19 Q You robbed a jeweler?

20 A That was later on.

21 Q Later?

22 A Yes.

23 Q Let's put the jeweler aside for a moment.

24 A Yes.

25 Q When you were with the 15th Avenue Boys, you say you

1 committed petty robberies. Who did you rob?

2 A Grocery stores. Supermarkets. If a guy pulled up --  
3 years ago, they used to have the panel vans with telephones in  
4 them -- when he used to go into the building, and take all the  
5 phones out. Anything that pulled up to that corner and the  
6 vicinity, we took it and tried to sell it.

7 Q And that's when you were in your teens; right?

8 A Right.

9 Q You gradually moved up the ladder of crime as you got  
10 older; right?

11 A Right.

12 Q And by the time you were in your twenties, you were  
13 committing crimes for Paul Zaccaria; right?

14 A Yes.

15 Q Paul Zaccaria was a mobster; right?

16 A Sure.

17 Q He was a soldier; right?

18 A Right.

19 Q And he was your godfather; right?

20 A No.

21 Q Close to Mr. Zaccaria?

22 A Yes, like a father.

23 Q And some of the stuff you did for Mr. Zaccaria were  
24 beatdowns; right?

25 A Yes.

1 Q At his behest, you would inflict punishment, pain and  
2 physical assault on anybody he asked; right?

3 A Absolutely.

4 Q You did a number of those; right?

5 A Yes.

6 Q And the purpose was to inflict pain; right?

7 A No. The purpose was not just to be sadistic. Whatever  
8 reason why, he was mad at somebody, he had me go hit them. I  
9 didn't say the reason was just. I'm saying whatever his  
10 reason was, it was not just to be a sadist.

11 Q Whoever he asked you to punish, you did; right?

12 A Yes.

13 Q And he was a shylock; right?

14 A Shylock, bookmaker, sure.

15 Q You would frequently beat up people who were not giving  
16 him his money fast enough; is that fair to say?

17 A I don't think anything had to with shylocking any times I  
18 hit somebody for him. It was usually over bookmaking.

19 Q Would that be because they were not paying their debt to  
20 him?

21 A Right.

22 Q And that would be a way to insure that people paid  
23 Zaccaria back; right?

24 A Yes.

25 Q If they had a debt with him and they didn't pay it, he



1 sent you out to beat them up; right?

2 A Me or others. That was like the testing ground when I  
3 was a kid. But he had other people.

4 Q You weren't a kid? You were in your twenties?

5 A Still, I was a kid in their eyes.

6 Q Did you use brass knuckles?

7 A No.

8 Q Did you use clubs?

9 A No.

10 Q Your intent was to hurt these people for Mr. Zaccaria?

11 A I had a very good punch.

12 Q I'm sorry? Can I have that answer read back?

13 A Yes. I had a very good punch.

14 Q Now, you developed a reputation for being a tough guy;  
15 right?

16 A Yes.

17 Q Good fighter?

18 A Yes.

19 Q Violent man?

20 A Yes.

21 Q And this is all when you're in your twenties; right?

22 A It started actually from twelve years old and up.

23 Q And you started working for Mr. Zaccaria; right?

24 A Well, yes. Sure.

25 Q You were an associate of Mr. Zaccaria's?

1 A Correct.

2 Q And you also started shylocking yourself; right?

3 A Yes. I had shylocked previously to him giving me that  
4 \$10,000.

5 Q Shylocking is, you loan money out to people at exorbitant  
6 rates; right?

7 A Absolutely.

8 Q These are people who can't get loans from the bank for  
9 one reason or another?

10 A Correct.

11 Q If they don't pay you back, plus interest, you punish  
12 them; right?

13 A Well, a lot of times, most of the people you lent money  
14 to aren't strangers, they are people who know you, and you  
15 have some sort of relationship or contact with them. They  
16 already know you have a reputation. It can come to me hitting  
17 somebody, yes. People have gotten beat up over shylock money,  
18 sure.

19 Q People who owed you money have gotten beat up?

20 A I don't remember hitting anybody over shylocking.

21 Q You mean, people would pay you money just because of the  
22 your reputation, they never thought you would come and enforce  
23 the loan, Mr. DiLeonardo, or have someone do it for you?

24 A A lot times, I negotiated what they call knockdowns, and  
25 they would pay me back the principal if they were paying me

1 back a long time. Some people didn't pay me back at all,  
2 close friends.

3 Q You were a pretty successful shylock?

4 A I was good. I made a lot of money.

5 Q You made a lot of money?

6 A Yes.

7 Q Over the course of the years, how much money did you make  
8 as a shylock?

9 A I can't put a number on it.

10 Q How much?

11 A I would need a calculator.

12 Q Five hundred thousand dollars, a million?

13 A Less than a million. Couple of hundred thousand, quarter  
14 of a million.

15 Q That would be over the course of a couple of decades?

16 A Three decades, probably.

17 Q When you made a quarter of a million dollars at  
18 shylocking, is it your testimony in front of this jury that  
19 you never had to enforce one of those loans or paybacks?

20 A Like I said, I got in a lot of people's faces and they  
21 paid. Like I said, it's a threat of violence. Sometimes it's  
22 more than even violence. I don't remember raising my hand  
23 over shylock money. If I knew a guy didn't have it, you can't  
24 get blood out of a stone. If a guy don't have it, it's a  
25 business, you have to work out a knockdown. Nobody would

1 borrow money. They would go to somebody else. Everybody in  
2 my neighborhood was a shylock.

3 Q You were a big gambler?

4 A I was a big gambler.

5 Q You gambled a lot of money over the years?

6 A Yes.

7 Q You bet on the Super Bowl?

8 A Bet on every football game there was in thirty years.

9 Q Horses?

10 A Very little horses.

11 Q Sometimes you would get upward of \$50,000 on a weekend?

12 A More than that.

13 Q And you also ran bets; right? You ran a book; is that  
14 fair to say?

15 A That's correct.

16 Q And when you say you ran a book, something that you would  
17 do is that you would take bets and give people odds; right?

18 A Right.

19 Q And sometimes you would have to pay out; right?

20 A Correct.

21 Q And if people didn't actually pay you the money that they  
22 bet and they lost, you would have to go collect; right?

23 A Oh, yes.

24 Q And sometimes you had to use violence to collect;  
25 correct?

1 A Again, I don't remember ever hitting anybody over that.

2 I had some serious beefs, where they sent wiseguys in to me.

3 They ran to people who owed me the money, and I sat down with

4 them. I don't remember anybody.

5 Q So, it's your testimony -- how long did you run a book on

6 bets?

7 A I don't know. If I got to say, twenty years.

8 Q Made a lot of money; right?

9 A I made money, yes, a lot of money.

10 Q Did you make more money at running a book betting or

11 shylocking?

12 A I would say shylocking.

13 Q Over the course of the years, how much money did you make

14 running a book?

15 A Again, these are numbers that I really can't quantify.

16 It's just guesstimates I'll be giving you.

17 Q Certainly more than \$100,000; right?

18 A Yeah, sure. Absolutely.

19 Q More than \$200,000?

20 A Yes. You want another guesstimate? Another quarter of a

21 million. I don't know. As I'm betting -- as I'm taking bets,

22 I'm also betting myself. I never kept a book. I never kept a

23 log on anything I made.

24 Q You ran a book for two or three decades?

25 A I would say, or had somebody around me in the bookmaking

1 business.

2 Q If people didn't pay their debts, you would send people  
3 out to collect the debts; right?

4 A No. Most of the time, I was out there myself, or the  
5 guys who had their own book that were with me, they handled  
6 their business their way.

7 Q Are you telling this jury in the course of three decades  
8 you were a shylock, you ran a book, but you never had to use  
9 violence to enforce paybacks?

10 A I don't remember anything along those lines. I had many  
11 fights. Listen, I was a violent guy in the street. Somebody  
12 said something to me, we were fighting. Again, if I could  
13 give you an example, I have no reason to hide that. I would  
14 tell you in a minute.

15 Q Mr. DiLeonardo, you had a representation for violence;  
16 right?

17 A Right.

18 Q Where did that reputation come from?

19 A Like I said, I had very short temper when I was younger.  
20 I was a small kid, stunted. Because of my face I used to get  
21 teased a lot. I was not opposed to chasing somebody around  
22 with a baseball bat or fighting with them until somebody quit.  
23 I fought. That's how you build your reputation in the street.  
24 If somebody said something nasty to me in school or wherever  
25 we were, we fought.

1           I had a gang. We had gang fights. I was surrounded  
2 by violence. I didn't have to say, He's a tough guy because  
3 he collected shylock money. He was part of the culture, part  
4 of what I was and what everybody was at that time. I'm not  
5 saying I'm a product of my environment. That's an excuse. I  
6 was, and I wanted to be.

7   Q     Mr. DiLeonardo, you had a bad gambling problem, and  
8 sometimes you had to borrow money to cover it; right?

9   A     Oh, yes, sure.

10   Q     And one time you borrowed \$30,000 from George Conte to  
11 cover your gambling debts; right?

12   A     That was a lie.

13   Q     You know that other persons have spread that lie about  
14 you; correct?

15   A     That's correct.

16   Q     And one of those persons would be your brother-in-law,  
17 Frank Fappiano; right?

18   A     Well, I don't know if he spread the lie or whoever. That  
19 came out, because it came out in some material, if that's  
20 where you are going. Would you like me to explain it?

21   Q     When you say it come out in some material, it came out in  
22 a 302 that you read?

23   A     That's correct.

24   Q     One of those reports that the FBI writes down or records  
25 conversations with persons who are cooperating about them;

1 right?

2 A Yes.

3 Q Cooperating with them?

4 And Frank Fappiano said that you had to borrow  
5 \$30,000 to cover a bet; right.

6 A It went something like that. There was a couple of other  
7 fellows's names, I believe, mentioned in that 302.

8 Q Is Frank Fappiano a liar?

9 A I don't know who is telling the truth. It was not his  
10 302.

11 Q Have you ever testified that Frank Fappiano is a liar?

12 A I went to Frank and I confronted him with this. I said,  
13 How could this be possible? You never -- I never asked you  
14 for money -- a fellow named George Conte of the Luchese  
15 family, he was a captain. I never told my brother to borrow  
16 30,000. It comes out in another fellow's material. I went  
17 and questioned my brother-in-law about it.

18 Q Have you ever testified that Frank Fappiano is a liar?

19 A I might have said that. I said somebody was lying. I  
20 don't know the context. I'm pretty sure I would have said the  
21 same thing I'm saying now.

22 Q Page 3252 of John A. Gotti's trial on August 25 of 2005.  
23 I don't have the 3500 number. Page 3252?

24 While the government is looking that up,  
25 Mr. DiLeonardo, have you previously testified that Fappiano is



1 a liar.

2 A I might have said somebody was lying, including Frankie  
3 Fappiano. Absolutely. I never denied that I said that.

4 Q Okay?

5 And have you also said that Fappiano is a murderer.

6 A Yes. He's a murderer, sure.

7 Q And that Fappiano deals drugs?

8 A That's what I had found out, yes.

9 Q Thank you.

10 THE COURT: 24 looks like 3500-MD-50-C.

11 MS. SHARKEY: Your Honor, I believe the witness has  
12 agreed that he's previously given that testimony. I don't see  
13 the purpose for impeaching him at this point.

14 THE COURT: Thank you.

15 MS. SHARKEY: Thank you.

16 Q Now, you testified that you went through an induction  
17 ceremony on December 24 of 1988; right?

18 A Correct.

19 Q And you testified on direct examination that as a result  
20 of that induction ceremony, you were considered what is a made  
21 man; right?

22 A Correct.

23 Q And you were made a captain a few years later; right?

24 A I would say about four years later.

25 Q In 1991; right?

1 A Acting. It was either late '91, early '92, around that  
2 area, because Sammy flipped -- yes.

3 Q Whether or not you are an acting captain or a captain,  
4 that's a powerful position; right?

5 A Yes. You had the power of life and death; right.

6 Q Make a lot of money; right?

7 A Oh, sure. You make more money.

8 Q And you testified on direct examination that you became  
9 involved in the construction industry; right?

10 A That's correct.

11 Q And how much did you make when you were involved in the  
12 construction industry, starting around 1991?

13 A Another number I can't put a figure on. A lot of money.

14 Q Hundreds and hundreds of thousands of dollars; right?

15 A Yes. And I brought in millions and millions to the  
16 Gambino Family.

17 Q And you yourself made hundreds and hundreds of thousands  
18 of dollars a year in that position?

19 A Absolutely.

20 Q Right?

21 A Absolutely.

22 Q You built million-dollar homes?

23 A Yes.

24 Q Gambled like crazy; right?

25 A That's correct.

1 Q Ran a shylock; right?

2 A That's correct.

3 Q Also, ran a gambling book; right?

4 A Yes.

5 Q And you didn't pay any taxes on that; right?

6 A No.

7 Q And you haven't paid any taxes on that to this day;  
8 correct?

9 A That's correct.

10 Q And you don't expect to ever pay any taxes on that;  
11 right?

12 A I don't know. Whatever they decide. I hope not.  
13 Whatever they decide, I don't have a choice.

14 Q And you testified on direct examination that you were  
15 involved in cement companies, building sites, labor unions;  
16 right?

17 A Yes.

18 Q You made money, tens of thousands, hundreds of thousands  
19 of dollars in each of those positions; right?

20 A Absolutely.

21 Q And in fact, you were a member of a labor union; right?

22 A Several.

23 Q And while you were a member of one particular labor  
24 union, from '87 to '92 -- right?

25 A Yes. That would be the Teamsters, Local 282.

1 Q -- and you had a no-show job there?

2 A No. I went almost every day. But I would go when I  
3 wanted and leave when I wanted. I could have had no no-show  
4 job. I had to stay.

5 Q You pulled in about 50 grand a year for that job?

6 A Maybe more, with benefits and annuities and stuff like  
7 that.

8 Q Now, you've also previously testified that you were  
9 making about \$75,000 a year at this time shylocking; right?

10 A I don't remember. Like I said, I'm not sure.

11 Q If I read you the testimony, would it refresh your  
12 recollection?

13 A Sure, absolutely.

14 Q Pizzonia Trial, April 2007, page 1026.

15 MR. BURLINGAME: Page number?

16 MS. SHARKEY: 1026:

17 "QUESTION: How much money did you make shylocking  
18 during those years that you did not declare on your taxes?

19 "ANSWER: Probably made another 75. I'm not sure."

20 Do you remember previously testifying to that, sir.

21 A Yes. Like I articulated earlier, it's probably more than  
22 that. It depends what time frame, that's what I'm saying.  
23 Was there a time frame?

24 Q Let me put it this way: When you were a captain or  
25 acting captain in the Gambino Crime Family, you made hundreds

1 of thousands of dollars a year; right?

2 A Yes.

3 Q You made that through extorting construction companies;  
4 right?

5 A Right.

6 Q You made that through shylocking; right?

7 A Correct.

8 Q You made that through gambling?

9 A I lost gambling.

10 Q You also ran a book; right?

11 A Yes. And I lost that, too.

12 Q And so, over the course of the years, you've made  
13 millions of dollars; right?

14 A Yes.

15 Q And now that you're in the Witness Protection Program or  
16 the Witness Security Program. The government pays your bills;  
17 right?

18 A Correct.

19 Q And the government has spent thousands and thousands of  
20 dollars on you; right?

21 A Yes.

22 Q And you're out of jail; right?

23 A Correct.

24 Q Pretty much free to come and go, so long as your handler  
25 knows what you're up to; right?

1 A Well, free to go where? It depends. I have limits.

2 Q Do you live in a community?

3 A Oh, yes. I can't come back to New York.

4 Q Are you free to take your kid to school?

5 A Excuse me?

6 Q Are you free to drive your kid to school?

7 A Yes.

8 Q Go out to dinner?

9 A Yes.

10 Q Go out to grocery stores?

11 A Yes.

12 Q And the government pays for that?

13 A They don't pay for me to go to a store. They give me a  
14 subsidy every month, and I go about my life.

15 Q You are using the government's money to go about your  
16 life; right?

17 A Yes. How am I going to support myself? I mean, if I  
18 make it clear, when you come in, you lose your whole identity.  
19 You don't have any background for credit, you don't have any  
20 job references, you don't have a high school reference, You  
21 don't have your baptism, you don't have your birth  
22 certificate. Like you parachuted right where you are and  
23 everybody asks, Who are you? You come in with nobody. They  
24 have to give you something. How am I going to earn a living?  
25 I have nothing.

1 Q Are you feeling sorry for yourself, Mr. DiLeonardo?

2 A No. This is part of my penance. This is what God  
3 wanted. I'm here.

4 Q Mr. DiLeonardo, you participated in three murders; right?

5 A Yes.

6 Q Countless extortions; right?

7 A Yes.

8 Q Countless beatdowns?

9 A Right.

10 Q And you're complaining now that the government is paying  
11 for your daily sustenance?

12 A No. I'm not complaining, dear. I'm trying to explain  
13 what the process is. I'm happy to be alive and free. I'll  
14 make that perfectly clear. But when you tell me that they are  
15 giving me money so I can run around and start dancing, I live  
16 in pain every day. Again, it's my conscience.

17 Q The government bought you a car; right?

18 A Marshals give me 10,000 for a car.

19 Q Actually, they gave you money for two cars?

20 A At one point. My wife went to work.

21 Q Pay for your medical expenses; right?

22 A Absolutely.

23 Q Mr. DiLeonardo, between the years of 1996 and 2001, you  
24 testified on direct examination that you made a lot of money  
25 off the stock market; right?

1 A Oh, yes.

2 Q And that would be through your connection with someone  
3 named Sal Romano; right?

4 A That's correct.

5 Q And Sal Romano was a securities broker; right?

6 A Yes.

7 Q And you testified on direct examination as to how the  
8 Gambino Family extorted money or took money from the  
9 securities market; right?

10 A Yes.

11 Q You talked about what Mikey called a pump-and-dump?

12 A Yes.

13 Q And a pump-and-dump is a group or a group of brokers who  
14 would artificially inflate a stock; right?

15 A Very well put.

16 Q And Sal Romano was a friend of yours?

17 A Was a good friend of mine, sure.

18 Q You made a lot of money through your connections with  
19 him; right?

20 A Absolutely.

21 Q Millions of dollars; right?

22 A I didn't make millions. I brought millions in. I would  
23 say -- because I broke it up. I gave the borgata money, and  
24 my other partners money. We all shared a lot of money.

25 Q Hundreds and hundreds of thousands of dollars; right?



1 A Yes.

2 Q Hundreds of thousands of dollars; right?

3 A Right. Again, if I may, this was for the Gambino Family.

4 Michael didn't take all this money myself. Whatever I made I

5 turned in to the family. I couldn't keep all this money.

6 It's part of the machine. You have to feed the beast. I took

7 out my end, and gave the other end in. It don't go to me.

8 Q You used that term "feed the beast" in other trials that

9 you have testified at; right?

10 A Yes.

11 Q It's a good term; right?

12 A Well, that's the way I looked at it at that point back

13 then.

14 Q Didn't you make eight or \$900,000 through your

15 relationship with Sal Romano through the years of '96 to 2001?

16 A Yes. I said that.

17 Q Now, you never threatened Sal Romano for that money;

18 right?

19 A I didn't have to. He was willing to bring it in.

20 Q Well, when you say you didn't have to, you considered Sal

21 Romano a friend; right?

22 A Well, I never knew him prior to that, but I got friendly

23 with Sal. I happened to like him.

24 Q You used to go on vacation with Sal Romano; right?

25 A Yes.

1 Q Out to dinner; right?

2 A Sure.

3 Q And you previously said that you have never extorted Sal  
4 Romano; right?

5 A Well, it is extortion if he stops paying. He's now  
6 around the Gambino Family and myself in particular, and one  
7 day, he wants to say, Listen, Michael, I don't want to pay no  
8 more. He knows he has to pay. That's when the extortion  
9 started. The extortion starts when somebody is put on record  
10 with you as an associate. That's when it starts.

11 Q You say that now. Let's go back to one year ago today --

12 A Okay.

13 Q -- in this courtroom. All right. Haven't you  
14 previously testified that -- haven't you previously testified  
15 that you received this eight or \$900,000 from Sal Romano  
16 without any threats at all from you?

17 A Right. I never had to threaten Sal.

18 Q Pardon?

19 A I said I don't remember ever having to threaten Sal. He  
20 was threatened by others.

21 Q Page 1241.

22 THE COURT: What's the date of that transcript,  
23 please?

24 MS. SHARKEY: I'm sorry, your Honor?

25 THE COURT: The date of the transcript?

1 MS. SHARKEY: Yes, your Honor.

2 Your Honor, it's page 1241 of the Pizzonia trial.

3 I'm finding the date for the Court.

4 MR. BURLINGAME: Judge, it's Government's Exhibit  
5 3500-MD-57-C.

6 MS. SHARKEY: Thank you.

7 THE COURT: Yes.

8 Q Were you asked this question and did you give this  
9 answer, line 19:

10 "QUESTION: During those years, you obtained money  
11 from Sal Romano from threats of violence?

12 "ANSWER: No.

13 "QUESTION: Was there any threat of harm at all?

14 "ANSWER: No. I never threatened Sal.

15 "QUESTION: That was not an extortion?

16 "ANSWER: No."

17 Were you asked those questions and did you give  
18 those answers in April 2007 in this courtroom in front of  
19 Judge Weinstein on another matter, another trial.

20 A I think I said -- reiterated exactly what you said. I  
21 think I just told this jury and everybody in this courtroom.  
22 I think they heard the same thing you read.

23 Q Now, you testified that you were made acting captain in  
24 1991; right?

25 A That's correct, ma'am.

1 Q And John Gotti, Sr. was already in jail at that point;  
2 right?

3 A Yes, almost a year.

4 Q And you testified that you were close to both John Gotti,  
5 Sr. and his son John Gotti, Jr.; right?

6 A Correct.

7 Q And you testified on direct examination about an offer  
8 you were made from John Gotti, Jr., I believe to obtain a  
9 higher position in this hierarchy; right?

10 A Right.

11 Q You were offered the position of consigliere; right?

12 A No.

13 Q Were you ever offered the position of consigliere?

14 A Yes. That was through Pete Gotti between the '98-'99  
15 area, like that.

16 Q Thank you?

17 And when you were offered that position of  
18 consigliere, you declined; right.

19 A Right.

20 Q And one of the reasons you declined was, you were afraid  
21 that Nick Corozzo would have you killed; right?

22 A Yes. It was a concern. Yes.

23 Q And you testified on direct examination that Nick Corozzo  
24 ultimately was part of this administration that ran the group;  
25 right?

1 A It would be committee, dear.

2 Q And Nick Corozzo had a brother Jo Jo; right?

3 A That's correct.

4 Q And Jo Jo was consigliere at some point; right?

5 A Yes. After that, he got appointed consigliere.

6 Q You testified on direct examination that Jo Jo Corozzo is  
7 a drunk; right?

8 A Yes.

9 Q And Jo Jo has a son named Joe, Jr.; right?

10 A A lawyer, yes.

11 Q And you know him; right?

12 A Very well. Or knew him very well.

13 Q And you've testified against him; right, at hearings?

14 A Yes. There was a hearing. Yes.

15 Q Now, in June of 2002, you were arrested; right?

16 A Yes.

17 Q And that was not your first arrest?

18 A Correct.

19 Q You had previously been tried and acquitted in Atlanta;  
20 right?

21 A Right.

22 Q And your arrest occurred ten days after the death of John  
23 Gotti, Sr. in jail; right?

24 A June 10; right.

25 Q And he died of cancer; right?

1 A Correct.

2 Q And his death was a big change in your world; fair to  
3 say?

4 A Absolutely. For me, it was.

5 Q And things changed after his death; right?

6 A I think it started to change a little before that.

7 Q Now, when you were arrested in June of '02, you mentioned  
8 the name Eric Franz?

9 A My lawyer. One of my lawyers.

10 Q And Eric Franz represented you on that June 2002 case;  
11 right?

12 A Yes. He wasn't the leader attorney, but was one of the  
13 attorneys.

14 Q Well, he also represented you in Atlanta; right?

15 A Yes. He was a cocounsel, yes.

16 Q And let's go back to your case in Atlanta. You were  
17 represented by Craig Gillen; correct?

18 A Atlanta-based attorney.

19 Q And you were on trial with Steve Kaplan; right?

20 A Yes. He was the owner and associate of the Gambino  
21 Family.

22 Q When you say "he was the owner," he was the owner of the  
23 Gold Coast Nightclub in Atlanta; right?

24 A Gold Club.

25 Q Gold Club nightclub; correct?

1 A Right.

2 Q Who paid for your lawyer in Atlanta?

3 A Steve Kaplan.

4 Q Did he pay for Craig Gillen?

5 A That's who he paid, Craig Gillen.

6 Q How about Eric Franz, did he pay for him?

7 A He gave some money to Eric Franz, yes.

8 Q So, you had two lawyers paid by Kaplan; right?

9 A Yes.

10 Q Were you concerned that if your codefendant was paying  
11 for your attorney, that you won't have control over how the  
12 case was litigated?

13 A There was seventeen defendants in that case. Steve  
14 Kaplan paid for everybody's counsel, not just mine.  
15 Everyone's.

16 Q I'll go back to my original question.

17 A Okay.

18 Q Were you concerned that because Steve Kaplan paid for  
19 your lawyers, that you wouldn't have control over how the case  
20 was litigated?

21 A He does not have control. I had control over myself. I  
22 didn't have control over the lawyers down there.

23 Q You were a defendant down there; right?

24 A Yes.

25 Q Kaplan paid for your lawyer; right?

1 A That's correct.

2 Q And Kaplan had the most say in how that case was  
3 litigated; right?

4 A No, not really. It was the lawyers. We went by their  
5 guidance. We were in a new world down there. In the south,  
6 being on trial is a little different than being in the north.

7 THE COURT: I didn't hear that.

8 THE WITNESS: I said being on trial in the south is  
9 different than being on trial in the north.

10 Q I'm going to ask you for a third time, Mr. DiLeonardo --

11 A Okay. I lost that.

12 Q -- were you worried that because Kaplan paid for your  
13 attorney in Atlanta, that you wouldn't have full allegiance of  
14 your lawyers?

15 A I still don't understand the question. Maybe it's by me.  
16 I don't understand by "allegiance." What's allegiance? He's  
17 my lawyer.

18 Q Were you concerned that because Kaplan paid for your  
19 attorney, he would call the shots?

20 A He wasn't calling the shots. We would have codefendants'  
21 meetings all the time. We all had great amounts of input in  
22 the case. He had a fantastic lawyer down there.

23 Q Now, when you were arrested in 2002, you were represented  
24 by Franz; right?

25 A Yes.



1 Q And you paid for Mr. Franz?

2 A And Mr. Gillen, yes.

3 (Continued on next page.)

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1 CONTINUING CROSS-EXAMINATION

2 BY MS. SHARKEY:

3 Q They represented you in New York, right?

4 A Right.

5 Q Gillen is an Atlanta-based attorney, correct?

6 A Yes.

7 Q Franz is a New York-based attorney?

8 A Correct.

9 Q You considered Franz to be a friend of yours?

10 A Oh, yeah, sure. We got friendly.

11 Q You testified during this proceeding that you tried to  
12 protect Eric Franz, right?

13 A Right.

14 Q When you were arrested in '02, you were arrested for  
15 murder, right?

16 A Right.

17 Q Extortion, right?

18 A Correct.

19 Q Numerous other crimes, right?

20 A Correct.

21 Q Shylocking?

22 A Yes.

23 Q You were facing a lot of time?

24 A Yes.

25 Q You were facing life in jail, correct?

1 A Yes.

2 Q Mr. DiLeonardo, you were not able initially to obtain  
3 bail, right?

4 A That is correct.

5 Q The government opposed your receiving bail, right?

6 A Correct.

7 Q Your lawyers were not able to achieve getting you out on  
8 bail initially, correct?

9 A That's correct.

10 Q You also testified on direct examination that after you  
11 went in in June of 2002, things started to be taken away from  
12 you, to quote you.

13 A That's correct.

14 Q What you meant by that was your source of money, illegal  
15 money from the street was drying up, right?

16 A I didn't get anything.

17 Q It would be accurate to say that this not getting any of  
18 it means you didn't get any money from criminal activities  
19 that were ongoing that you had previously initiated, right?

20 A Everything I had going on the street, I had nothing.

21 Q Shylock, no money, right?

22 A Right.

23 Q You had money out there on the street, but you didn't get  
24 any back, right?

25 A Right.

1 Q Gambling debts out on the street, you didn't get any  
2 money from those gambling debts?

3 A Yes.

4 Q That was --

5 A Stock market, tattoo parlors, whatever business, I got  
6 zero.

7 Q Those monies didn't dry up, right, these monies went to  
8 other people?

9 A Yes, it was diverted.

10 Q Pardon?

11 A It was diverted elsewhere.

12 Q That's not what you expected when you went to jail, fair  
13 enough?

14 A That's right, when guys are in jail, I took care of them,  
15 so did John Gotti.

16 Q John Gotti was dead at this point, right?

17 A Yes.

18 Q Very different handling of matters, correct?

19 A Different mind set, new administration, yes.

20 Q This administration was made up of Nick Corozzo?

21 A No, Joseph Corozzo was the consigliere.

22 Q Pardon?

23 A Joseph Corozzo was the consigliere, Arnold Squiteri was  
24 the underboss, Peter Gotti was the boss.

25 Q The individuals that you held responsible for drying up

1 your source of income were individuals that you have  
2 previously described as drunks and drug dealers, right?

3 A Right.

4 Q You had no money to support Madelaine?

5 A Yes.

6 Q And your newborn son?

7 A Right.

8 Q You had no money to support your previous family, right?

9 A Absolutely.

10 Q That would be your first wife, correct?

11 A Ex-wife, correct.

12 Q At that time, had it been revealed to your first wife  
13 that you had a new family?

14 A Oh, yes, she found out about it December of 2000.

15 Q When you say she found out about it, you were actually  
16 running two households in 2000, right?

17 A Sure.

18 Q You had built a million dollar home for your initial  
19 wife, right?

20 A Correct.

21 Q Your 16-year old son, right?

22 A Right.

23 Q You were in the course of or had completed building  
24 another million dollar home for your second family, right?

25 A No, it wasn't a million dollar home, a lot less.

1 Q Pardon?

2 A At the time it was worth about 250.

3 Q Your first wife didn't find out about the second family  
4 from you, right?

5 A No, I received a letter, anonymous letter in the mail.

6 Q She received anonymous letter, right?

7 A I was with her. We were together when she got it.

8 Q That's also how your son found out, right, your 16-year  
9 old son?

10 A That's correct.

11 Q He didn't know that you had a second family running,  
12 correct?

13 A That's correct.

14 Q Now, you had reached out when you were in jail to  
15 Corozzo, and how do you say it, Squiteri?

16 A Squiteri.

17 Q For money to support your family, right?

18 A No, what I did, I sent a message out, what's going on.

19 This was after a long period of time I kept getting little  
20 messages back why I wasn't getting any money from anybody.

21 Would you know of the messages I sent out to Corozzo, I don't  
22 remember getting life, I don't remember dying. What's going  
23 on with you guys? That was the message I sent out.

24 Q No money was forthcoming, right?

25 A That's it, told me you got nothing coming.

1 Q It would also be accurate to say that they humiliated  
2 Madelaine, right?

3 A No, they humiliated me, didn't attack my wife. I was  
4 humiliated because she's sitting with a kid, a house,  
5 everything else I can't provide, I was embarrassed.

6 Q Weren't you told to have your girlfriend swing her  
7 pocketbook out on the street?

8 A No, I told them that. I said what do you want her to  
9 swing a pocketbook on the street? That was another message I  
10 sent out, this is before the last message.

11 Q Still, no money was forthcoming, right?

12 A Yeah, with no reasons.

13 Q Both your families were hurting, correct?

14 A Well, they had some money to live on. It wasn't a matter  
15 of that. I always told them if anything happens, I get killed  
16 or go to jail for life, you'll be well taken, don't worry  
17 about it.

18 Q That wasn't true?

19 A I thought it was true. Obviously not. I didn't get  
20 convicted, didn't die, I couldn't understand it.

21 Q Made you angry?

22 A Yes, I was very angry.

23 Q Then we learned you testified on direct examination that  
24 you were put on the shelf, right?

25 A That made me something else, not angry. It broke my

1 heart.

2 Q That would be in October of '02, right?

3 A Yes, October, November, I would say October, '02.

4 Q You say it broke your heart, it was a crippling blow to  
5 you?

6 A Devastating. They could have taken all the money they  
7 wanted. The only thing I would have done is give in.

8 Q Heart-sick?

9 A I was brokenhearted. I was devastated. This is my  
10 whole life, my whole generation. I'm sitting in jail, when I  
11 was a captain with John Gotti, now I'm nothing. It broke my  
12 heart for no reasons. I did nothing wrong.

13 Q When you say you're a captain of John Gotti, John Gotti,  
14 Senior?

15 A Right.

16 Q You saw things being run very differently after he passed  
17 away?

18 A No, like I said it started earlier. That's why I wanted  
19 no part of these administrations later on. I didn't like  
20 seeing what the world would be. I was happy being a captain,  
21 I was rich, I didn't have to do anything else.

22 Q You also didn't want to be part of the administration  
23 because you didn't want to be killed, right?

24 A Those are one of the choices. Like I said, there were  
25 several, like five that melded into my mind. Any time you're



1 part of any administration, even in the street, you can be  
2 killed. There are plots always going on. In this situation  
3 there's a group of things that I digested, ain't for me, not  
4 worth it. I was a captain, do whatever I wanted. I was rich.  
5 So, why take the position.

6 Q Corozzo --

7 A If he want the seat, let him go have it.

8 Q Who broke you, put you on the shelf?

9 A Not that Corozzo. That was JoJo Corozzo. We're talking  
10 about Nicky Corozzo.

11 Q Whichever Corozzo, did he put you on the shelf?

12 A Yes.

13 Q Which Corozzo would that be?

14 A Joseph.

15 Q Who in addition to Joseph Corozzo in your opinion broke  
16 you, put you on the shelf, caused you great anger?

17 A This would be Pete Gotti who was the boss, can't do  
18 nothing without his permission, also the underboss, the  
19 administration is the only one who could break a captain.

20 Q Things started changing around the time, what, when John  
21 Gotti, Senior went to jail, sir?

22 A No, things got strong with me at that point.

23 Q You testified a couple of questions ago in response to my  
24 question did things change after John Senior died, you said  
25 no, before. They started changing before, right?

1 A When he first goes to jail, he's alive, in good health.  
2 He's got some orders to put me position. It didn't change for  
3 the worse, then the better. Then it gradually declined.

4 Q John Gotti died of cancer in jail, right?

5 A June 10th, '02.

6 Q It would be fair to say he got weaker, things started  
7 changing within the family; is that correct?

8 A It was rumors, I would say about '98, '99 he could die at  
9 any time, but he held on.

10 Q Things changed perceptively, correct?

11 A The family was changing, absolutely, sure.

12 Q That disgusted you, right?

13 A Well, it lost its glitter with people running things.  
14 Let me be more clear.

15 MR. SHARKEY: Objection.

16 THE COURT: Let him answer. You asked the  
17 question. Go ahead.

18 A Thank you. When John Junior goes to jail in '98, gets  
19 arrested, Pete Gotti takes over the family as the acting boss.  
20 With all respect to Pete Gotti, great captain, not a bad guy,  
21 but totally incompetent as being a boss. The guy had no idea  
22 what Cosa Nostra is, how to deal with people, he's a buffoon.  
23 Again, no disrespect for the guy, he's in jail. Those were  
24 the facts. He didn't know how to administrate, knew nothing  
25 about the life. I seen it was him, Arnold Squiteri, a junk

1 dealer, you get your fingers pinched, they're going to kill  
2 you for junk, put him in jail for 15 years, the underboss?  
3 Not for me. I don't want no part of that hierarchy, give it  
4 to somebody else. That's when things changed in my mind.

5 Q Mr. DiLeonardo, you never expected to be denied your  
6 funds from the street when you went to jail, right?

7 A Never.

8 Q Complete shock to you, correct?

9 A Yes, I helped many guys in jail through times, many guys.

10 Q Mr. DiLeonardo, you decided to cooperate at that point,  
11 correct?

12 A When they broke me, yes.

13 Q You had your very good friend Mr. Eric Franz representing  
14 you, correct?

15 A That's correct.

16 Q You also had Craig Gillen from Georgia representing you,  
17 right?

18 A Yes.

19 Q You contacted the lawyer from Georgia to reach out to the  
20 U.S. Attorney's Office in New York City to cut a deal, right?

21 A That's correct.

22 Q It was a ruse to make a bail application for a  
23 compassionate release, correct?

24 A Well, that came after the first meeting, during the  
25 course of the first meeting. Initially that wasn't in my

1 mind. It was to cooperate.

2 Q During the course of the first meeting, you were present  
3 in the U.S. Attorney's Office with Mr. Gillen and prosecutors,  
4 right?

5 A Yes, at that time.

6 Q Your New York attorney, your very good friend, you didn't  
7 tell him about this?

8 A Absolutely not.

9 Q It was kept a secret from him?

10 A Yes, I wanted to protect him, shield him from anything  
11 that may come afterwards.

12 Q At that first meeting, sir, you and Mr. Gillen and the  
13 prosecutors came up with the idea that you would have the  
14 New York attorney apply for compassionate release, right?

15 A Right. He was here geographically most of the time when  
16 Craig had other cases in Atlanta. He would be the one to put  
17 up the bail application.

18 Q The fix was in, right, because the prosecutors in the  
19 Southern District weren't going to oppose this compassionate  
20 bail, right?

21 A Well, I don't know about the word "fixed," but it was an  
22 agreement.

23 Q You also testified on direct examination that the judge  
24 in that case was aware of the agreement, right?

25 A Sure.

1 Q But your lawyer wasn't, correct?

2 A Eric Franz wasn't.

3 Q Correct?

4 A Right.

5 Q Part of the agreement was that you wore a wire, correct?

6 A Yes.

7 Q When I use the term "wire," that's a recording device,  
8 correct?

9 A That's correct.

10 Q When you were speaking with Mr. Franz about making this  
11 bail application, you told him it was very important for you  
12 to get out to see your dying mother, right?

13 A I don't remember using those words with him. I might  
14 have. I don't know.

15 Q What reason did you give to Mr. Franz for seeking to get  
16 out of jail on a bail application the second time?

17 A Well, you have opportunities to seek bail at any time.  
18 This was the holidays, I said apply for bail.

19 Q When you were speaking with Franz, asked him to apply for  
20 the court for your release, you didn't tell him there already  
21 was an agreement in place, right?

22 A I said that before.

23 Q The deal was when you got out that you would attempt to  
24 record other members, high ranking members, Corozzo, right?

25 A That's correct.

1 Q You asked your lawyer to set up those meetings, right?

2 A That one meeting, yes.

3 Q You asked Eric Franz to set up that meeting, right?

4 A Yes, he had an office in New York.

5 Q Pardon?

6 A He had an office in Manhattan.

7 Q That was at the direction of the agents that were  
8 handling you at that point, right?

9 A Yes, I was allowed certain places to go, lawyer's visit  
10 is one of them.

11 Q You testified just a few minutes ago and on direct  
12 examination that during that first meeting you sought to  
13 attempt to demonstrate how valuable you were, right, to the  
14 government so they would take you as a cooperator, correct?

15 A No, this was to capture the people that were responsible  
16 for doing to me what they did. Joseph Corozzo being the  
17 consigliere, he has to field all the beefs from the captain,  
18 just pure protocol. My appointment with him would be sound.  
19 He would have to come in and talk to me.

20 Q Right. Not only were you attempting to get Corozzo on  
21 tape, you were attempting to demonstrate to the prosecutors  
22 that you were a useful cooperator. It was worth their while  
23 to use you?

24 A Absolutely if I could go out, live up to the obligation,  
25 the agreement, yeah, sure.

1 Q You recollect having a meeting with Corozzo on a wire, if  
2 you were successful, would ultimately be disclosed in some  
3 court proceeding, right?

4 A Yeah, clear in my mind as to what happened, too.

5 Q You were concerned, or it crossed your mind you might be  
6 putting this guy in New York, Mr. Franz, in danger, right?

7 A It crossed my mind later on it was bad judgment.

8 Q Nonetheless, this person you considered a very good  
9 friend, you insisted on having this meeting, right?

10 A No, I think actually I called it off at one point.

11 Q It's your testimony that you called the meeting off?

12 A Corozzo, JoJo, went up to Eric, complaining to Eric there  
13 was a rumor out about me. I told Eric cancel the appointment.

14 Q The persons who had been pushing that meeting, though,  
15 were the agents, correct?

16 A Well, like I said, three targets in the beginning. He  
17 was one of them, yes.

18 Q You didn't want to put Eric Franz in danger, right?

19 A No, like I said, poor judgment.

20 Q You insisted on this meeting at the behest of the agents  
21 who were handling him, correct?

22 A Yes, as I said, part of the agreement.

23 Q When you were released, you visited your mother in jail,  
24 right?

25 A In the hospital.

1 Q I'm sorry, withdrawn, strike that. No pun intended to  
2 your mother.

3 A That's okay, we all misspeak.

4 Q Pardon?

5 A We all misspeak at times.

6 Q You visited your mother in the hospital, right?

7 A Yeah.

8 Q She was dying, right?

9 A Yes.

10 Q We've already talked about she didn't know that you were  
11 wearing a recording device in your meeting with her?

12 A That's correct, ma'am.

13 Q You also met with your 16-year old son, right?

14 A Correct.

15 Q Your 16-year old son didn't know that you were wearing a  
16 recording device?

17 A That's correct.

18 Q You told your 16-year old son that you were going to  
19 cooperate, right?

20 A Yes.

21 Q You didn't ask your son to join you in the Witness  
22 Security Program, right?

23 A I don't recall that, but I wanted him to agree -- I  
24 would never take him away from his mother.

25 Q You didn't invite your 16-year old to go with you into



1 the Witness Security Program, right?

2 A I don't remember if I said it that way.

3 Q Did you?

4 A I don't think I did.

5 Q It would be fair to say that you broke your kid's heart,  
6 the way you testified at this point?

7 A Yes, I did.

8 Q It was after that conversation with your son when your  
9 son disapproved of your decision to cooperate and he walked  
10 away from you, right?

11 A Yes.

12 Q He rejected you, right?

13 A Yes.

14 Q He said some rather unflattering, unkind things to you,  
15 correct?

16 A I don't recall, but I know he said -- he was trying to  
17 prop me up, in other words not to cooperate.

18 Q He walked away from you, right?

19 A I said that.

20 Q That's the evening when you attempted suicide, right?

21 A Yes, that final time.

22 Q The story you told on direct examination about walking  
23 down the stairs, being a good soldier, you've testified to  
24 that story a number of times, right?

25 A Eleven -- or ten.

1 Q But you did attempt suicide, right?

2 A Like I said, they heard my story, yes.

3 Q You swallowed the whole bottle of pills?

4 A Whatever I fit in my hand I threw in my mouth.

5 Q You woke up in the hospital, correct?

6 A Correct.

7 Q How long were you in the hospital?

8 A A couple of days maybe at the most.

9 Q At that point you were not inclined to cooperate, right?

10 A No, I was confused, angry. I was everything.

11 Q Instead of bringing you to the safe house as promised,  
12 you were brought to the hole at the MCC, right?

13 A There's two holes, like I said, not the regular hole, the  
14 other hole.

15 Q You were brought to the super hole, right?

16 A Correct.

17 Q When I say super hole, you were brought to a portion of  
18 the correctional facility of the prison that was for the most  
19 hardened criminals, right?

20 A It was built for terrorists.

21 Q You were housed with alleged terrorists?

22 A Three.

23 Q The air-conditioning was on?

24 A In the winter.

25 Q Full blast?

1 A Yes.

2 Q December?

3 A Yes.

4 Q You had no clothes?

5 A For seven to nine days.

6 Q Fair to say it was freezing?

7 A Yes.

8 Q You described this place in the past as torture?

9 A Hanoi Hilton.

10 Q It would also be fair to say that the food you were given  
11 was rancid?

12 A Absolutely.

13 Q You testified on direct examination that the food had  
14 been tampered with?

15 A Yes, all kinds of stuff you would find in there.

16 Q That was a result of your refusing to cooperate, correct?

17 A No, I think it was -- I learned later on it was BOP  
18 punishment.

19 Q You say you learned later on it was BOP punishment. When  
20 you decided not to cooperate, you were put in the Hanoi  
21 Hilton?

22 A Absolutely.

23 Q The food was raw, right?

24 A Raw, burned, pubic hairs, slimey, whatever they could do  
25 what they were doing there.

1 Q You lost 75 pounds, right?

2 A Right, around there.

3 Q You developed scurvy?

4 A Correct.

5 Q The cell was freezing?

6 A I was purple.

7 Q Pardon?

8 A I was purple.

9 Q Water frozen?

10 A Yeah, toilet bowl was frozen.

11 Q This was in early December, right?

12 A December/January.

13 Q Prosecutors left you there, right?

14 A Yes.

15 Q At some point after were you there for about two or  
16 3 weeks, you were called down to the U.S. Attorney's Office in  
17 the Southern District, right?

18 A This is going into January or still in December?

19 Q January.

20 A January, yes.

21 Q By the way, before you get to January, you had sort of  
22 lost touch with your own reality while you were in that  
23 locale, right?

24 A What do you mean?

25 Q Did you really understand everything that was going on?

1 A I was fully cognizant.

2 Q Pardon?

3 A Fully cognizant what was going on.

4 Q Did you ever feel you lost touch with reality during that  
5 period?

6 A No.

7 Q After about three weeks of that treatment, lights are on  
8 24 hours?

9 A Lights are on, two cameras.

10 Q Food is bad?

11 A Right.

12 Q Sick?

13 A Right.

14 Q Freezing?

15 A Right.

16 Q You were brought down and asked if you wanted to  
17 cooperate, right?

18 A Right.

19 Q You refused?

20 A No, in January I started to debrief again, started from  
21 when I was young. I think we ended off somewhere in the '80s.  
22 I said get me out of here, take me back to the cell.

23 Q When was that?

24 A January it was.

25 Q You weren't given the opportunity to cooperate again

1 until March, right?

2 A No, I could have cooperated the next day if I wanted to.  
3 I refused.

4 Q You didn't cooperate, right?

5 A Right.

6 Q You stayed in the Hanoi Hilton, as you have said, right?

7 A Yes.

8 Q You underwent these conditions daily, right?

9 A Oh, yeah, there was no break.

10 Q Did you feel you were being taunted by the guards?

11 A Not really taunted, but after a while, I told them about  
12 their ancestor.

13 Q You told them about their ancestors, what would you mean?

14 A We would go back with some guards, the food would come up  
15 on the tray, eat it in front of me, had a little glass window.  
16 Let's say it came up 3:00, 4:00 o'clock, that's the time they  
17 feed, they have a cell door, open it. I never came out of the  
18 cell, 24-hour lock up. I get the tray, whenever they wanted  
19 to give it to me, it was ice cold, it was not, whatever,  
20 slimey. I would go back and forth. They thought it was cute  
21 eating all the fruits and vegetables in front of me.

22 Q You would still describe the treatment as torture?

23 A Absolutely.

24 Q You started to receive visits at some point during this  
25 period with your wife Madelaine, your now-wife Madelaine?

1 A Once a week.

2 Q She was encouraging you to cooperate, right?

3 A Yes, she didn't like the way I looked.

4 Q You testified on direct examination that you thought if  
5 you didn't cooperate, you were going to die?

6 A I was resigning myself to the fact I would die in that  
7 cell, yes.

8 Q In March, that's when you decided to cooperate, right?

9 A No, actually it was February, like I said earlier, about  
10 when my son Michael had finally come up to visit me. He told  
11 me about that visit with Junior. I decided to cooperate, but  
12 it took me still a little bit longer to get the nerve up to go  
13 and do it. That would be in March, probably the middle of  
14 March.

15 Q Once you started cooperating, things got better, right?

16 A Worse, same.

17 Q Pardon?

18 A Same, worse.

19 Q You ultimately were brought out of that hole?

20 A May 22nd, '03.

21 Q When you met with the prosecutors after you decided to  
22 cooperate, you were fed, right?

23 A Well, I started in March. I was still in the same exact  
24 condition.

25 Q You were brought over to the prosecutor's office?

1 A During the debriefing you're talking about?

2 Q They would give you food, warm clothing, correct, things  
3 like that?

4 A If I can finish?

5 Q Yes.

6 A They had taken in MCC, took away my underwear, socks,  
7 everything away from me, left with a jump suit. When I would  
8 go on the other side to debrief in the building, I would go  
9 there with no socks, no undershirt, no underwear. One day the  
10 agent looked at me, I couldn't stop shivering, he took off his  
11 sweatshirt, gave it to me, went downstairs, got me a white  
12 pair of socks. I went back to MCC they flipped out over  
13 there. I told the guy what are you going to do, eat me? What  
14 are you going to do to me? He took the sweatshirt away, the  
15 socks away. It continued. That's when I learned, or I  
16 thought I learned at that point it wasn't the prosecutors  
17 doing it, it was BOP vengeance for some reason being put upon  
18 me. They gave me the stuff, I was there when they called the  
19 warden, pick up the phone screaming trying to get through,  
20 what are they doing to me over there.

21 Q Mr. DiLeonardo, you say it was BOP vengeance. The  
22 prosecutors who got you out of the hole, right?

23 A No, WITSEC got me out of the hole.

24 Q WITSEC is the Witness Security Program, right?

25 A Yes, there's a separate floor for that. That's when I



1 came out May 22nd, all three.

2 Q WITSEC works with the government, right?

3 A Yes, sure, all government.

4 Q And prosecutor's office contacted WITSEC, got you out?

5 A That's the only way it could be done.

6 Q You were very grateful to the prosecutors for getting you  
7 out of that Hanoi Hilton, right?

8 A Absolutely.

9 Q Ultimately at the behest of the prosecutors, you were  
10 released from the MCC, right?

11 A Yes, got shipped to a facility, a regular holding  
12 facility. The other is a regular facility, a regular prison.

13 Q But you were released from prison, too, at the behest of  
14 the prosecutors, right?

15 A Three years late, I would say, I'll give you the date --  
16 June 24th, '05 I was released.

17 Q Prior to your being released, you had moved from this  
18 tortuous condition to a much more liveable space in your  
19 opinion, right?

20 A Without a doubt.

21 Q That was as a result of your FBI handlers and the  
22 prosecutors, right?

23 A That's the way the process works, yeah, sure.

24 Q You were grateful?

25 A Sure I was happy. How couldn't I be happy? I'm not a

1 masochist.

2 Q You really started cooperating, meeting with the  
3 government and having lengthy conversations in March, right?

4 A Just about every day.

5 Q It would be fair to say that you met throughout March,  
6 right?

7 A Yeah.

8 Q And this is March of '03, right?

9 A Correct.

10 Q You had been previously arrested in June of '02?

11 A That's correct.

12 Q You met with the prosecutors throughout April of '03?

13 A Yes.

14 Q When you met with the prosecutors, there were also agents  
15 from the FBI present, right?

16 A Sure.

17 Q They were taking notes, right?

18 A Yeah, at times, sure.

19 Q When you say at times, they were taking notes and  
20 sometimes from one day to the next they would ask you  
21 questions about things you had said the day before, right?

22 A And other things. It was many different agencies and  
23 prosecutors come to see me, I would say about April-May.

24 Q April you met with them daily, right?

25 A March, April, yeah.

1 Q June?

2 A Into May, into June -- not daily, I would say maybe it  
3 slowed up by then.

4 Q You met with them throughout 2003, correct?

5 A Yeah. If I may explain, when you come down from the  
6 hole, May 22nd, you go to a different unit, you can't be  
7 brought over to the prosecutor's office anymore. You stay in  
8 prison, in jail. They come visit you in the prison. You  
9 don't go there anymore.

10 Q That's in the witness security section?

11 A Just to make it clear.

12 Q You met with the prosecutors daily?

13 A When I went into that unit, it tapered off a little bit.

14 Q Also present were the agents taking notes, right?

15 A Agents, prosecutors, investigators.

16 Q You met with them throughout 2003 and 2004, right?

17 A All the way up until today.

18 Q It would be accurate to say that when you met with the  
19 agents, you wanted to give them as much information as you  
20 possibly could, right?

21 A Well, at one point it became whatever my memory I could  
22 recall and then later on it was questions and then answers.

23 Q During your initial proffers, much of that information  
24 came from you, right? You were the one who was telling them  
25 what you knew, what you believed to be important, right?

1 A Yes.

2 Q It was important to you because you wanted to keep them  
3 happy, right, and accept you as a cooperating witness, right?

4 A It wasn't to keep anybody happy, counsel. It was what I  
5 recall. That was my trouble, is that I couldn't fully  
6 cooperate, that's why I was struggling with this. Whatever my  
7 memory served me, I spit it out.

8 Q You say whenever your memory served you, you were anxious  
9 to get out of the hole when you decided at the end of March to  
10 go in and cooperate, right?

11 A Of course I wanted to get out of the hole.

12 Q You saw that as your exit out of the hole, right?

13 A No, I seen a slab as an exit out of the hole if I chose  
14 not to cooperate, I probably would have died in there.

15 Q You sought to not die in there and cooperate with the  
16 prosecuting attorneys, right?

17 A That's correct.

18 Q Throughout the years, right?

19 A Yes.

20 Q During those initial debriefings, though, you wanted to  
21 tell them important things in your mind to demonstrate your  
22 value, right?

23 A Demonstrate my truthfulness.

24 Q Truthfulness and value, correct?

25 A No, I wasn't gauging anything on value. I was gauging on

1 things I knew and experienced in my lifetime. That's all  
2 there was, counsel.

3 Q You were aware of the fact that valuable cooperators cut  
4 great deals, correct?

5 A Well, let me see, maybe I could help you.

6 Q I would like a yes or no, Mr. DiLeonardo. Are you aware  
7 of that?

8 MR. BURLINGAME: Objection.

9 THE COURT: I'll allow that, yes or no.

10 Q Are you aware of that?

11 A Well, if you're valuable or not? They wouldn't take you  
12 if you weren't valuable.

13 Q Sammy Gravano was your underboss, right?

14 A Oh, yeah.

15 Q Prior to your cooperating, you were fully aware that he  
16 received five years for 19 murders, right?

17 A That's correct.

18 Q So, it was important for you to have the government  
19 accept you as a cooperator because you wanted to get out of  
20 jail, too, right?

21 A Of course I was very valuable.

22 Q You want to convince the government that you were  
23 valuable so you could be reunited with your family, right?

24 A No, the government knew I was valuable because they knew  
25 who and what I was, who I was close to.

1 Q You were anxious to demonstrate that value by giving them  
2 information that you thought it was important?

3 A I gave them information that I remembered at the time.  
4 Whether it was important or not, they deem what's important or  
5 not important.

6 Q Pardon?

7 A The government deems what's important, what's not  
8 important.

9 Q Come on.

10 A I told them whatever I knew when I knew it, how I knew  
11 it.

12 Q Mr. DiLeonardo, you thought it was important to talk to  
13 them about the family structure, right?

14 A They asked me, of course it is, absolutely.

15 Q You thought it was important to talk to them about who  
16 were the killers in the group, right?

17 A Right.

18 Q You thought it was important for them to know who was  
19 close to the leadership in the group, right?

20 A Right.

21 Q And you spoke to the agent and the prosecutors, you  
22 testified throughout November, '02 to May, '03 initially,  
23 right?

24 A Testified?

25 Q You spoke with agents and prosecutors, right?

1 A I thought you said testified.

2 Q If I did, my mistake. You spoke to them.

3 A Debriefed, yes.

4 Q When you say debriefed, you spoke to them, right?

5 A I spoke to them, yes.

6 Q You did not say anything to them about Mr. Carneglia  
7 being an elite killer in November of '02, did you?

8 A Sure.

9 Q In November 6th '02?

10 A The first meetings, no. The first meeting was very  
11 brief.

12 Q Yes or no, Mr. DiLeonardo?

13 A No.

14 MR. BURLINGAME: She asked a question, objection.

15 MS. SHARKEY: I asked yes or no.

16 THE COURT: Go ahead.

17 Q In November of '02 you never said anything to the  
18 prosecutors or the agents about Mr. Carneglia being some elite  
19 killer, right?

20 A No, not the first meeting in November, no.

21 Q When you spoke with the prosecutors and the government in  
22 March much '03, you never said anything about Mr. Carneglia  
23 being an elite killer, right?

24 A Wrong. That could be different in March. I'm not sure.

25 (Continued on next page.)

1 EXAMINATION CONTINUES

2 BY MS. SHARKEY:

3 Q Pardon?

4 A I'm not sure in March what I spoke about at that time.

5 Later on it started, everything started to roll out, in March,  
6 April, May.

7 Q If I show you a copy of your debriefings from March of  
8 '02, would that refresh your recollection as to whether or not  
9 you told the government that Mr. Carneglia was an elite  
10 killer?

11 A You could show me all the papers you like. Says what I  
12 talked about. I am not going to remember exactly what months  
13 or day I talked to the government about a specific person. I  
14 talked about hundreds of people.

15 MS. SHARKEY: Judge, I can approach the witness?

16 THE COURT: You may.

17 MS. SHARKEY: Thank you.

18 THE COURT: You needn't ask.

19 Q Mr. Gravano -- Mr. Gravano?

20 Withdrawn.

21 Mr. DiLeonardo, without referencing what's in the  
22 report, tell me if this refreshes your recollection as to  
23 whether or not you told the government that Mr. Carneglia was  
24 an elite killer in June of '03 and November of '02? '02 to  
25 '03?



1 THE COURT: What are you showing the witness?

2 MS. SHARKEY: I am showing the witness a 302  
3 provided by the government, Bates stamp page -- may I --

4 THE WITNESS: Yes.

5 MS. SHARKEY: -- '06 and '08.

6 A Now even before looking at these, your question again?  
7 This is all that was generated in that period of time?

8 Q No. Mr. DiLeonardo, this is all that was generated in  
9 that time.

10 A That's it? You want me to look through all of these?

11 Q I ask that you look through all of those and see if they  
12 refresh your recollection that you told the government that  
13 Charles Carneglia was an elite killer?

14 THE COURT: No. Excuse me.

15 MS. SHARKEY: Yes, sir?

16 THE COURT: You have given the witness what looks  
17 like hundreds of pages. I am not going to delay the trial  
18 while he looks through it.

19 Ladies and gentlemen, these are the recordings of  
20 the people who have talked with the witness. They are not  
21 verbatim transcripts.

22 They won't be helpful in our inquiry, so proceed  
23 with your next question.

24 (Continued on next page.)

25

1 EXAMINATION CONTINUES

2 BY MS. SHARKEY:

3 Q Mr. DiLeonardo, isn't it accurate to say that between  
4 November of '02 -- withdrawn.

5 Have you seen these 302s before, sir?

6 A No. I may have seen some of them. Like I said, during  
7 trials. But no. I thought it would be more extensive than  
8 that?

9 Q Pardon?

10 A I thought it would be a lot thicker than that.

11 Q Now, you testified on direct examination that at the time  
12 that you went in to jail, there -- you had a lot of money out  
13 on the street, right?

14 A Yes.

15 Q Some of that money, even though the persons who were in  
16 charge of the group, the family, made that unavailable to you,  
17 was ultimately available to you, right?

18 A Again, it was -- was it available? Ultimately available?  
19 I don't understand.

20 Q Well, how much money did you have in your house when you  
21 were arrested?

22 A Probably around forty thousand.

23 Q You were allowed to keep that, right?

24 A Yes.

25 Madeline kept it. I was in prison.

1 Q You owned two homes, right?

2 A Well, like I said, the first home I gave to my wife long  
3 before any -- any -- I was arrested. That was given to her  
4 when I built it, in '98.

5 Q When you were married, right?

6 A Yes. No. 1998 is when I built that house in Staten  
7 Island, the big one.

8 Q The government -- that house was worth millions of  
9 dollars, right?

10 A I think she got 2.3 for it. She got shortchanged.

11 Q It would be accurate to say that the government never  
12 sought any monies from that house, right?

13 A No.

14 Q The house that you built for Madeline the government  
15 never sought any monies from that, right?

16 A No.

17 I believe it's inclusive in my plea agreement, I  
18 think.

19 Q When you say you believe it's inclusive of your plea  
20 agreement, the government never sought those monies, did they?

21 A That's what I said.

22 I think it's in my agreement also, not to go after  
23 it, right.

24 Q You cut that deal with the government, right?

25 A That was part of my agreement.

1 Q And you also had money parked with your lawyer, right?

2 A No.

3 Q Didn't you have about \$45,000?

4 A Yes.

5 Q Parked with your lawyer?

6 A No.

7           Actually it was a hundred at one point. And then I  
8 gave Craig Gillen fifty thousand when I was fighting the case,  
9 just before I cooperated. And then I gave him another five  
10 thousand after I cooperated for him to fly back and forth. It  
11 was about forty-five thousand.

12 Q You got to keep that, right?

13 A Yes.

14 Q You had money for your son's college, right?

15 A Yes. It's in the bank, yes.

16 Q You got to keep that, right?

17 A It's -- about twenty-three thousand.

18 Q You were allowed to keep that, right?

19 A It's my son Anthony, his trust fund.

20 Q Yes or no?

21 A Yes. I'm answering it.

22 Q You also had about two hundred seventeen thousand out on  
23 the street, right?

24 A No; I had that with an associate of mine.

25 Q Did you have to give that to the government?

1 A No.

2 Q Now, you testified on direct examination that when you  
3 were inducted, right, you had in your head, or you were  
4 thinking at that time that it was a lie, right?

5 A Yes. Double standard and hypocrisy.

6 Q Hypocrisy I think is the term you used, correct?

7 A Correct.

8 Q You would believe with me that the operation and rules  
9 are riddled with hypocrisy, right?

10 A That's correct.

11 Q And you testified that there were rules against selling  
12 drugs, but everybody sold drugs, right?

13 A Just about everyone.

14 Q And that individuals weren't supposed to drink and use  
15 drugs, but lots of people drank excessively and used drugs,  
16 right?

17 A Yes.

18 It became part of the life.

19 Q And that there were rules against participating in stock  
20 frauds, but in fact you were giving money to the leadership  
21 from stock frauds, right?

22 A Yes. It was much later on, but I was, yes.

23 Q You testified last week that at your induction ceremony,  
24 you learned from Sammy Gravano that there was only one way out  
25 of this society and that was on a slab, right?

- 1 A That's correct.
- 2 Q You said that that rule was taken very seriously, right?
- 3 A Right.
- 4 Q Now, Sammy Gravano was the underboss, right?
- 5 A Correct.
- 6 Q This is the same Sammy Gravano that broke the oath of
- 7 omerta, right?
- 8 A That's right.
- 9 Q Testified against John Gotti, Senior, right?
- 10 A Yes.
- 11 Q And got five years for nineteen murders, right?
- 12 A That's correct.
- 13 Q And this is the same Sammy Gravano who was in the Witness
- 14 Security Program, right?
- 15 A Right.
- 16 Q And the same Sammy Gravano who wrote a book, right?
- 17 A Correct.
- 18 Q He wrote a book called The Underboss, right?
- 19 A Absolutely.
- 20 Q And this is the same Gravano who gave interviews
- 21 concerning that book, right?
- 22 A Diane Sawyer, I believe.
- 23 Q Pardon?
- 24 A Diane Sawyer.
- 25 Q Right.

1                   You saw Sammy Gravano on TV, right?

2   A     Part one; I didn't have the stomach to see part two.

3   Q     Fair enough.

4                   Sammy Gravano, the man who told you you could only  
5   leave the family on a slab, giving interviews to Diane Sawyer  
6   on 60 Minutes, right?

7   A     Right.

8   Q     And the only thing that he had changed about his  
9   appearance was he got his nose fixed, right?

10  A     Yes; maybe his eyes.

11  Q     You recognized him, right?

12  A     Sure.

13  Q     You know who Sal Polisi is, right?

14  A     Pileggi? Polisi? I don't know. I am taking a guess at  
15  an author's name.

16  Q     Do you know an individual who testified at a trial where  
17  one of the defendants was named Dellacroce?

18  A     No, I don't know Polisi. I don't know him.

19  Q     Do you know the advisor to the Sopranos as being someone  
20  who left the Witness Security Program and is now writing books  
21  and giving book tours?

22  A     No, that I don't know. Interesting.

23  Q     Do you know Michael Franzese?

24                 Do you know who he is?

25  A     I know of him. I don't know the name.

1 Q You know Sonny Franzese, right?

2 A I know of him. I never met him.

3 Q You know Michael Franzese is in the Witness Security  
4 Program, or was, right?

5 A I don't know if he was ever in the program. I am not  
6 sure about that. I know he cooperated.

7 Q You know he cooperated, right?

8 A Yes.

9 Q You know he's giving book tours, right?

10 A I see him on interviews, yes. I don't know about book  
11 tours.

12 Q You see him on TV?

13 A Yes.

14 Q Sammy Gravano, by the way, appeared in Vanity Fair,  
15 right?

16 A I must have missed that one.

17 Q You testified that you were very close to John Gotti,  
18 Junior, right?

19 A Right.

20 Q And that as a member of this family, it was important for  
21 you to know about other member's activities, right?

22 A It would be good to know that, yes.

23 Q You testified when you were questioned Mr. Burlingame  
24 that it was important, right?

25 A It was his question, sure.



1 Q It was your answer, right?

2 A Yeah.

3 I said it's important, but I don't go out of my way  
4 and ask questions, basically.

5 Q Well, you testified last week that violent acts were the  
6 sort of information Gambino members shared if they were close,  
7 right?

8 A Yeah.

9 Q You couldn't have been closer to John Gotti, Junior,  
10 right?

11 A Right.

12 Q You never told John Gotti, Junior about your killing  
13 Mr. Weiss, did you?

14 A No.

15 He was surprised when Fat Dom cooperated later on  
16 around '95 because I never disclosed it to him.

17 Q In fact, you never told John Gotti, Junior about that  
18 murder because you considered that it was a rule not to talk  
19 about murders, right?

20 A Yes. There is a rule. But I -- I didn't tell John. I  
21 didn't disclose it to him.

22 Q You have previously testified that it's actually a rule,  
23 that you don't discuss murders within organized crime?

24 A Right; guys have gotten killed for that before.

25 Q Mr. DiLeonardo, do you ever feel as if you're testifying

1 out of both sides of your mouth, depending on what's  
2 convenient for the jury who is listening to you?

3 MR. BURLINGAME: Objection.

4 THE COURT: Yes. Reframe it, please.

5 Q Mr. DiLeonardo, did you previously testify that it's a  
6 rule that you don't discuss murders?

7 A I said --

8 Q To people who were not involved?

9 A I say it is a rule. I didn't say no.

10 Q And you have also never told John Gotti, Junior about  
11 your prior murders, right?

12 A Right.

13 Q He was your boss? Right?

14 A Friend and boss, yeah.

15 Q You were closer to him than anybody else?

16 A I was very close with Junior, yeah.

17 Q Now, Mr. DiLeonardo, you are in the complete control of  
18 the FBI agents and the prosecutors who manage your life,  
19 right?

20 A Correct.

21 Q You are kept out of jail as long as you continue to meet  
22 with them and testify at trials, right?

23 A That's the agreement.

24 Q They can make an application to the Court at any time to  
25 have you thrown back in the hole, right?

1 A Yes.

2 Q And you'd do anything to stay out of that hole, right?

3 A Well, I don't know what you mean by anything. I'm going  
4 to tell the truth. If they want to pull my bail --

5 Q Mr. DiLeonardo, you fully expect at the end of your days  
6 of testifying to remain free, right?

7 A I pray to God for that.

8 Q And you fully expect it, right?

9 A I hope so.

10 I can't speak for a judge. It's not up to the  
11 prosecutors. It's up to the judge.

12 Q You fully expect to get a rather lengthy recommendation  
13 from the prosecutors concerning the appropriateness, in their  
14 opinion, of your being returned to jail, right?

15 A You mean, in the letter to the judge?

16 Q Yes.

17 A Hopefully, they will include everything. My lawyer will  
18 go over with them, what I done in trials.

19 Q You fully expect to get an A-plus when the judge reviews  
20 your report card as a cooperating witness, right?

21 MR. BURLINGAME: Objection.

22 Q Yes or no?

23 THE COURT: Sustained.

24 Q It's very important not for you to be returned to jail,  
25 right?

1 A Who wants to go sit in jail?

2 Q They call, you come, right?

3 A Beck and call, absolutely.

4 MS. SHARKEY: I have nothing further.

5 THE COURT: Thank you.

6 Take a ten-minute break, please.

7 THE WITNESS: Thank you, counsel.

8 (The following occurred in the absence of the jury.)

9 THE COURT: All right.

10 (Recess taken.)

11 (After recess.)

12 (The following occurred in the absence of the jury.)

13 THE COURT: Bring in the defendant, please. Let's  
14 have the defendant.

15 (The defendant is present; the witness is present.)

16 (Jury present.)

17 THE COURT: Be seated, please.

18 Proceed with the redirect, please.

19 MR. BURLINGAME: Thank you, Judge.

20 REDIRECT EXAMINATION

21 BY MR. BURLINGAME:

22 Q You testified on direct and cross-examination that there  
23 were rules against discussing murders in the Gambino Family.

24 Is that correct?

25 A Correct.

1 Q You testified on direct that those rules were frequently  
2 broken, is that correct?

3 A Correct.

4 Q You also testified that its valuable to have a reputation  
5 for violence, is that correct?

6 A Right.

7 Q Is confessing to murders one way to generate a reputation  
8 for violence?

9 A Yes.

10 Q Ms. Sharkey asked you a question about the size of hit  
11 teams typically used in Gambino Family murders.

12 A Yes.

13 Q Are you aware of sneak murders?

14 A Yes.

15 Q Are you aware of people who are members of the Gambino  
16 Family kill people without being part of a hit team at times?

17 A Without being part of a hit team or getting permission?

18 Q Well, both questions.

19 Without getting permission?

20 A Sure. Sneak is without getting permission from the  
21 administration.

22 Q Are you also aware of instances in which people  
23 kill -- in which Gambino Family members kill people without  
24 being part of a large team?

25 A Yes.

1 Q Ms. Sharkey accused you of lying to your mother on her  
2 death bed. Because you were speaking -- you were recording  
3 conversations with your mother because you were wearing a wire  
4 and you didn't inform your mother as to that.

5 Did you have the ability to turn that wire on and  
6 off?

7 A Yes, I could have.

8 Q You could have turned off the recording device?

9 A Yes.

10 I would have breached my agreement, but I could  
11 have.

12 Q The government had given you strict instructions not to  
13 turn off the recording device for any -- at any time?

14 A And my mother wasn't a criminal.

15 Q Did you follow the government's instructions not to turn  
16 off the device?

17 A Yes.

18 Q Ms. Sharkey asked you a series of questions about Sammy  
19 Gravano, including that he appeared on television programs.

20 Are you aware if the Gambino Family put out a hit  
21 out to kill Sammy Gravano?

22 A Yes, they did.

23 Q You testified that you later found out there was the BOP  
24 and not the US Attorney office that was responsible for the  
25 conditions you were under at the BOP.

1 Can you explain that?

2 A Yes.

3 When I decided to cooperate in earnest in March, I  
4 realized my conditions were the same, maybe worse. Because I  
5 figured it would be turned off by then. Initially I thought  
6 it was the prosecutors, but then I learned when I was  
7 cooperating, I watched it, them calling the guard even of  
8 the -- of the MCC, and nothing was done to change, only worse.  
9 They got vindictive after that, the BOP.

10 So at that point I knew they didn't want to hurt me  
11 at any point. Why would the government want to hurt me if I  
12 am coming in and speaking? They see what it did to me in the  
13 past. So it didn't make sense, so I figured it wasn't the  
14 prosecutors office or the agents. Why would they want to do  
15 that to me? So it was the BOP.

16 MR. BURLINGAME: Judge, I'd move the defendant -- I  
17 mean, the witness' previously identified cooperation agreement  
18 be introduced at this time.

19 MS. SHARKEY: Objection.

20 THE COURT: I don't think it is necessary. It's a  
21 long, complicated agreement. We have had enough of it. I  
22 don't want to burden the jury further.

23 Q Based on that cooperation agreement sitting in front of  
24 you, what's your understanding of what happens to you if you  
25 lie?

1 A It becomes null and void.

2 Q Do you get that 5K letter?

3 A No.

4 Q How many trials have you testified in?

5 A Eleven.

6 Q How many aside from this one?

7 A Ten others.

8 Q How many defendants aside from this defendant have you  
9 testified against?

10 A About eighteen.

11 Q If the government wins or loses this trial, does that  
12 have any effect on you?

13 A No.

14 Q What happens if you lie here today in your testimony?

15 A They could null and void my agreement.

16 Q You'd lose the benefit of any prior cooperation?

17 A Correct.

18 Q You'd lose the 5K letter?

19 A Correct.

20 Q Would you be able to take back your guilty plea?

21 A No.

22 Q You'd be facing life on three separate murders you pled  
23 guilty to?

24 A Correct.

25 MR. BURLINGAME: I have nothing further.



1 THE COURT: All right. Step down, sir.

2 Thank you.

3 MS. SHARKEY: Judge, may I have brief recross?

4 THE COURT: No.

5 Step down.

6 Thank you.

7 (Witness excused.)

8 THE WITNESS: Good day.

9 (Witness leaves courtroom.)

10 THE COURT: Next witness, please.

11 MR. BURLINGAME: The government calls Matthew

12 Tricorico.

13 MS. SHARKEY: Judge, could I have one moment? Our  
14 documents for this witness are right outside the courtroom.

15 THE COURT: Yes.

16 MS. SHARKEY: Thank you, Judge.

17 THE COURT: You will get a complete list of the  
18 witnesses when you deliberate. You certainly are free to take  
19 notes as they take the stand.

20 THE WITNESS: Sit here?

21 THE COURT: Swear the witness, please.

22 THE CLERK: Please stand and raise your right hand.

23 Do you understand your obligation to tell the truth,  
24 the whole truth, and nothing but the truth under penalty of  
25 perjury?

1 THE WITNESS: Yes.

2 THE CLERK: Please state and spell your name for the  
3 record.

4 THE WITNESS: Matthew Tricorico, T R I C O R I C O.

5 MR. BURLINGAME: May I inquire, Judge.

6 THE COURT: Yes.

7 DIRECT EXAMINATION

8 BY MR. BURLINGAME:

9 Q Good afternoon, sir.

10 A Good afternoon.

11 Q What do you do for a living?

12 A I am retired from the FBI.

13 Q What was your title with the FBI?

14 A I was a Special Agent.

15 Q When did you join the FBI?

16 A 1972.

17 Q What did you do prior to that?

18 A I was a city school teacher in New York.

19 Q How long did you do that?

20 A Excuse me?

21 Q How long did you teach school?

22 A Nine years.

23 Q What was your first assignment when you joined the FBI?

24 A The Tampa division, in Florida.

25 Q How long did you do that for?

1 A Approximately a year and a half.

2 Q What did you do next?

3 A I came to the New York division, in Manhattan.

4 Q What sort of work did you do for the New York division?

5 A I was on the counterintelligence, primarily the

6 Russian -- Russian squads.

7 Q What years did you do that for?

8 A '74 to '76.

9 Q What was your next assignment in the FBI?

10 A I was assigned to the Staten Island resident agency  
11 office of the FBI.

12 Q What sort of work did you do out there?

13 A We covered the federal violations on Staten Island and  
14 basically it was criminal work, truck hijacking, bank  
15 problems, things like that.

16 Q What came after that?

17 A Then we got assigned to an organized crime squad, the  
18 Gambino squad, which was in the Brooklyn-Queens office.

19 Q When did you get assigned to the Gambino squad of the  
20 FBI?

21 A I would say, approximately 1982.

22 Q What were your duties on the Gambino squad?

23 A We used to do some surveillance and we used to do some  
24 talking to sources. We used to do some investigation on some  
25 of the members of the Gambino Family.

1 Q When you say talking to sources to require information,  
2 what does that mean?

3 A We had certain people who would help us out with some  
4 information that we used to use to help us in our  
5 investigation.

6 Q You said you conducted surveillances. What did that  
7 entail?

8 A Basically, following certain members of the family and  
9 seeing who they met with and who hung around them and where  
10 their places of meeting were and so forth.

11 Q Did there come a point in time when you began conducting  
12 surveillance of the Ravenite Social Club?

13 A Yes.

14 Q Where was the Ravenite located?

15 A In Manhattan, on Mulberry Street. Mulberry Street,  
16 Manhattan.

17 Q Do you remember the cross street there?

18 A Just north of the club was Prince Street, I remember.

19 Q When did you start conducting the surveillance at the  
20 Ravenite Social Club?

21 A Approximately January of 1988.

22 Q When you first began, how did you conduct the  
23 surveillance?

24 A We were dropped off in the back of a van, an unmarked  
25 van, my partner and I.

1 Q Can you explain what you did in that van?

2 A We used -- we had vision on the front of the Ravenite  
3 Social Club and we used to stay in the van until the club  
4 closed and we would radio and someone would pick us up and  
5 drive us away from the area. But we would just make  
6 identifications of who was going to the club and, you know,  
7 hanging around and so forth.

8 Q Why did you originally begin conducting surveillance of  
9 the Ravenite?

10 A What they wanted to do was they wanted to show that this  
11 was the meeting place of John Gotti, with the intentions of  
12 getting a court ordered wiretap on the Ravenite.

13 Q How did your surveillance go?

14 Was it successful?

15 A Yes, it was.

16 MS. SHARKEY: Objection, to form.

17 THE COURT: Strike it.

18 Reframe, please.

19 Q How did your surveillance go?

20 MS. SHARKEY: Objection.

21 THE COURT: I don't know what you mean by that. Do  
22 you mean, did they get the wiretap?

23 MR. BURLINGAME: Sorry. I thought she was objecting  
24 that there were two questions.

25 Q Was your surveillance successful?

1 MS. SHARKEY: Objection.

2 THE COURT: Yes. I don't know what success means.

3 Q Were you able to obtain the wiretap based on the  
4 surveillance information you obtained?

5 A Yes, yes, we were.

6 Q At some point did you move the surveillance post from the  
7 back of the van?

8 A Yes.

9 A few months later, we got an apartment on corner of  
10 Houston and Mulberry and it was the beginning of April of  
11 1988.

12 Q How far away from the Ravenite was that?

13 A It's approximately two blocks, about -- I think we  
14 measured it once, about a tenth of a mile.

15 Q You said you got an apartment. This was -- what sort of  
16 building was the apartment in?

17 A It was a -- it was a six-story, brand new apartment  
18 building on that corner and we -- we rented the -- one of the  
19 apartments on the sixth floor, the top floor, which was right  
20 at the corner. We had a straight shot right into the  
21 Ravenite.

22 Q If you were conducting surveillance of the Ravenite, why  
23 wouldn't you set up closer than two blocks away?

24 A Well, if we were closer, no doubt with the neighborhood  
25 being friendly with everyone around there, they would have

1 handed us up and that would be the end of our surveillance.  
2 So we were far enough away where nobody knew what we were  
3 doing. We would go into our apartment every night, conduct  
4 our surveillance and then when it was over, we would leave.

5 Q What sort of equipment did you use when conducting  
6 surveillance from this apartment?

7 A We had a high powered camera, TV set that monitored what  
8 the camera was picking up and I was pretty much using  
9 binoculars, high powered binoculars.

10 Q What members of the Gambino squad were primarily  
11 responsible for conducting the surveillance from this  
12 apartment?

13 A Well, primarily it was myself and my partner Frank Spero.

14 Q How long did you work with Special Agent Spero?

15 A Overall? Overall in the bureau?

16 Q Yes.

17 A Twenty-two years.

18 Q When you and Special Agent Spero conducted surveillance,  
19 can you explain how it worked?

20 A Well, the camera was aimed at the front door of the  
21 Ravenite and Frank would sit and watch the camera, which would  
22 show what the camera was picking up and I would identify  
23 item -- individuals through the binoculars and at times I had  
24 the ability to move the camera if I saw them walking up  
25 Mulberry Street. We would pick them up to help our

1 identification. Frank would record basically who they were  
2 and when they went in and when they came out.

3 Q What was the purpose of the surveillance?

4 What were you looking for?

5 A We used to -- we used to look for who would come  
6 with -- with certain individuals, as far as having to be in  
7 whose crew and basically we had to keep an eye out of -- when  
8 we first started there were only -- they could only go up on  
9 the wire when this were five individuals, one of the five had  
10 to be inside for us to turn the wire on. We used to keep an  
11 eye on that, to notify the listening post who was -- who was  
12 inside the club or if no one was from the club, and so forth.

13 Q You testified you looked to see who was coming and going  
14 with who.

15 What was your understanding as to why that was  
16 important?

17 A We could see who was coming to the club. We could see  
18 what crew each guy belonged to because a lot of times they  
19 hung together even though they were all going to that one  
20 club, they were a little friendlier. You could determine  
21 identification. You could see quite a bit.

22 MS. SHARKEY: Objection.

23 THE COURT: I will allow it.

24 Q Was what you observed recorded on videotape?

25 A Yes.



1 Q Did the Gambino squad conduct surveillance every day?

2 A It was primarily five days a week, Monday to Friday.

3 Q What time of the day would you typically start conducting  
4 surveillance?

5 A We would get to the apartment about 3:30 and most often  
6 we didn't crank up the tape until probably around after 5:00  
7 o'clock and then we would stay until the caretaker of the club  
8 used to close, shut down, when everyone left. Then we would  
9 shut down the camera.

10 Q Why would you wait until five or six to start taping?

11 A It would just be a waste of tape. Because the principals  
12 we were interested in were nowhere in sight. They would come  
13 a little later. The guys who hung around initially during the  
14 day were mostly neighborhood guys and people that didn't have  
15 much of an interest, our interest anyway.

16 Q Why did you conduct surveillance in the evenings?

17 A That's when John Gotti came to the club and he came there  
18 on a nightly basis and he used to meet with his family at the  
19 Ravenite. So that was the --

20 MS. SHARKEY: Objection.

21 A -- that was kind of the center point.

22 MS. SHARKEY: Objection.

23 THE COURT: I will allow it.

24 A That was the center point for the -- the Gambino Family.

25 (Continued on next page.)

1 BY MR. BURLINGAME:

2 Q Did the video camera record any information on the videos  
3 aside from the images that you were capturing?

4 A Yes. It had the time of the day and it had the date of  
5 the year.

6 Q Did you check to verify that the date and time  
7 information was accurate every day?

8 A Yes.

9 Q What happened to the videos after you ended surveillance  
10 each night?

11 A Well, we would shut down. We would get in our car. We  
12 would meet the agents that were doing the listening at another  
13 location and give them the tapes with a list of the  
14 individuals that we could identify that were there and then  
15 they, in turn, would take it into the office. And we would go  
16 back to Staten Island and do the log for that particular day.

17 Q What were the methods you used to figure out the names?  
18 Were there people that you would see who you couldn't  
19 immediately identify?

20 A Oh, yes.

21 Q Did you take any steps to identify those people after the  
22 surveillances were over?

23 A Yes. Sometimes they arrived in a car. We could get the  
24 license plate and based on that we can get an identification  
25 and other individuals we didn't know, we would contact our

1 supervisor and he would tell us that such and such who you  
2 didn't identify is and he would give us the name and we would  
3 make note of it and they were pretty frequent visitors, so we  
4 got to know them pretty well.

5 Q Did anyone but you and Special Agent Spero ever conduct  
6 surveillance of the Ravenite?

7 A Yes. Other agents used to fill in for us at times.

8 Q You were the primary guys?

9 A We were there most of the time.

10 Q Did you watch the videos after they were shot?

11 A On occasion we would look at some of them to get an idea  
12 of what someone looked like when we went into the Queens  
13 office.

14 Q How was the quality of those videos?

15 A I would say the quality was good.

16 Q Like you were watching TV at home good?

17 A No, not that clear. Good enough to make identification.

18 Q Would any conditions arise that would affect the quality  
19 of the tapes?

20 A Sure. We would there for three years. So we went  
21 through seasons. We would put up with snow. We would put up  
22 with rain. We would actually get -- keep the window open from  
23 our apartment so we would get the waves coming from the  
24 radiator. We would get cars driving up Mulberry Street at  
25 night. You would get the glare reflecting into the camera.

1 So a few obstacles we used to meet. Of course September is  
2 San Gennaro Festival. They used to put the booths in front of  
3 the place. We had some obstacles. We always seemed to get  
4 around that.

5 Q Special Agent Tricorico, I would like draw your attention  
6 to November 22, 1989?

7 Were you conducting surveillance of the Ravenite  
8 that day.

9 A Yes.

10 Q Who were you with?

11 A Frank Spero.

12 Q Were videotapes made of your surveillance that day?

13 A Yes.

14 Q In preparation for your testimony, did you review the  
15 videos of that date's surveillance?

16 A Yes, I did.

17 Q I'm showing you what's been marked as Government's  
18 Exhibit 300 A-1 and 300 A-2?

19 Take a look at those.

20 A Yes.

21 Q Do you recognize those?

22 A Yes. I have my initials on them.

23 Q What are they?

24 A My initials are on these from the day I looked at them.

25 Q Are those the video recordings of the November 22, 1989

1 surveillances you conducted?

2 A Yes.

3 Q And when you watched the videos did you determine them to  
4 be a fair and accurate recordings of the events you witnessed  
5 that night while conducting surveillance?

6 A Yes.

7 MR. BURLINGAME: Thank you, special agent. I have  
8 no further questions.

9 THE COURT: Do you want to offer them?

10 MR. BURLINGAME: The later agent is going to  
11 establish the defendant appears in the videotapes.

12 THE COURT: You can offer the tapes now. I'll take  
13 them in evidence.

14 MR. BURLINGAME: We'll offer 300 A-1 and 300 A-2.

15 THE COURT: In evidence. Thank you.

16 (So marked.)

17 THE COURT: Any cross-examination?

18 MS. SHARKEY: Yes, your Honor.

19 CROSS-EXAMINATION

20 BY MS. SHARKEY:

21 Q Good afternoon, sir.

22 A Good afternoon. How are you?

23 Q These recordings that were just offered into evidence,  
24 what dates are they, again?

25 A This one is November 22 of 1989.

1 Q And you were at this location five days a week for three  
2 years?

3 A Yes, on and off. There were times when we were down with  
4 the wire, so we weren't on. As a matter of fact, yes, we used  
5 to conduct surveillance sometimes when the wire was down just  
6 for our own surveillance purposes.

7 Primarily, we were there a good four days a week,  
8 initially five. Then we cut it down to four. There were  
9 times we couldn't be there, other agents used to fill in for  
10 us.

11 Q You are familiar with all the video recordings from that  
12 time period, right?

13 A The ones that we did, sure.

14 Q And this represents the video recording -- this  
15 represents a video recording that you have been called in to  
16 testify on -- I'm sorry. It is a little artificial. They  
17 have not played the tape?

18 Of your five days a week for three years, this tape  
19 is the tape that you were called in to testify, right.

20 A Right.

21 Q There's not a library of other sightings that you have  
22 back in the office, right?

23 A I don't follow you.

24 Q There's not a library -- have you looked at this tape?

25 A Yes.

1 Q Is Mr. Carneglia depicted on this tape?

2 A I was told. I don't know Mr. Carneglia.

3 Q So you don't know anything about what's depicted on that  
4 tape?

5 A I know what I saw. I know the pictures I saw which is  
6 what I'm used to seeing when I was doing the surveillance and  
7 there were many, many individuals that I was aware of. But  
8 I'm not aware of Mr. Carneglia.

9 Q So you watched this location five days a week for three  
10 years and you weren't familiar with Charles Carneglia, right?

11 A That's correct.

12 MS. SHARKEY: Nothing further. Thank you very much.

13 THE COURT: Thank you. That will be all.

14 THE WITNESS: Okay.

15 (Witness excused.)

16 MR. BURLINGAME: The government calls Thomas  
17 Petrouskie.

18 T H O M A S P E T R O U S K I E,

19 having been duly sworn was examined and

20 testified as follows:

21 THE LAW CLERK: State your name and spell it.

22 THE WITNESS: Thomas Petrouskie, P E T R O U S K I  
23 E.

24 MR. BURLINGAME: May I inquire?

25 THE COURT: Yes

1 DIRECT EXAMINATION

2 BY MR. BURLINGAME:

3 Q Good afternoon, sir.

4 A Good afternoon.

5 Q What do you do for a living?

6 A I'm a special agent with the Federal Bureau of  
7 Investigation, the FBI.

8 Q When did you join the FBI?

9 A July 25, 1988.

10 Q What did you do prior to working for the FBI?

11 A I worked for the Nassau County Sheriff's Department.

12 Q After you joined the FBI where were you first assigned?

13 A I was assigned first to the applicant investigations  
14 unit. And then I went to the international terrorism unit.

15 Q What does that mean applicant investigation?

16 A Those people who are applying to the FBI, we would do  
17 their background investigations and various support employees  
18 or special agents.

19 Q You said you then moved to international terrorism.

20 How long were you there.

21 A I was not there long. I was there about a month.

22 Q What was your next assignment in the FBI?

23 A I worked on C 16. That investigated the Gambino Crime  
24 Family.

25 Q Is that also known the Gambino squad?



1 A Yes.

2 Q When did you join the Gambino squad?

3 A March 1990.

4 Q How long did you stay on the Gambino squad?

5 A Approximately eight years.

6 Q Where did you work in the FBI since then?

7 A Foreign counterintelligence and special operations.

8 Q During the time you were on Gambino squad, did you  
9 conduct surveillances?

10 A Yes.

11 Q What kind of surveillances?

12 A Physical surveillances, photograph surveillances,  
13 videotape surveillances.

14 Q What's a photo and -- video is obvious -- what's a  
15 physical surveillance?

16 A Physical surveillance is that you will go to the location  
17 or where members or associates of the Gambino Family would  
18 frequent and you would physically be out there and take photos  
19 or take a log, surveillance log.

20 Q At any point in your time on the Gambino squad did you  
21 conduct surveillance of the Ravenite Social Club?

22 A Yes.

23 Q At what point in your time with the Gambino squad did you  
24 conduct those surveillance?

25 A From the time that I was assigned there in 1990, early

1 1990.

2 Q So the beginning of your time on the Gambino squad?

3 A Yes.

4 Q Where was the Ravenite located?

5 A It is located at 247 Mulberry Street in Lower Manhattan.

6 Q Do you know what the cross-street was there?

7 A The cross street was Prince Street.

8 Q What was the purpose of surveilling the Ravenite?

9 A To see what members, caporegimes, capodecinas or  
10 associates would frequent the Ravenite Social Club.

11 Q When you conduct surveillances were you able to identify  
12 the people you were looking for?

13 A Yes.

14 Q Where did you conduct the surveillances from?

15 A We conducted the surveillances from about approximately  
16 two blocks north of the Ravenite Social Club.

17 Q Where would you be when you were conducting the  
18 surveillances?

19 A We would be in an apartment which we called a lookout.

20 Q You said it's two blocks away. Why not get closer?

21 A We wanted to be far enough where we could identify the  
22 people that were coming and going at the Ravenite Social Club  
23 but not too close where we would be detected by those  
24 individuals.

25 Q Did you use any equipment when you were making the

1 surveillances?

2 A Yes.

3 Q What kind?

4 A We used high-powered video cameras. We also used  
5 extended photo lens and camera. Occasionally we would use  
6 binoculars just to ID those individuals.

7 Q Who were the members of the Gambino squad who were  
8 primarily conducting the surveillances from this apartment?

9 A Matty Tricorico and Frank Spero.

10 Q Did other members of the squad also conduct  
11 surveillances?

12 A Yes.

13 Q And that included you?

14 A Yes.

15 Q What information was captured on the video recording  
16 aside from the images that were being shot with the camera?

17 A Basically, if we didn't know somebody that was entering  
18 the location, we would pan the video camera to try to get a  
19 vehicle and try to hone in on the license plate or any kind of  
20 lead that we could generate.

21 Q In addition to the pictures of what you were shooting was  
22 there any other information that would show up on the  
23 videotapes?

24 A Oh, yes. The date and time. The time was in military  
25 time and it was to the right of the screen.

1 Q Special Agent Petrouskie, I would like to draw your  
2 attention to November 29, 1990. Were you conducting  
3 surveillance of the Ravenite that day?

4 A Yes.

5 Q Were videotapes made of that surveillance?

6 A Yes.

7 Q In preparation for your testimony, did you review those  
8 tapes?

9 A Yes, I did.

10 Q I'm showing you what's been marked as Government's  
11 Exhibit 301 A-1 and 301 A-2?

12 If you could take a look at those.

13 (Pause.)

14 Q What are those?

15 A Those are the original V H -- video cassettes that we put  
16 into the machine to make the recording.

17 Q Did you review those tapes in advance of your testimony?

18 A Yes, I did.

19 Q How do you know those are the tapes you watched when you  
20 were preparing to testify?

21 A Because those are my initials that I have placed on the  
22 tapes.

23 Q Do these videotapes contain a fair and accurate recording  
24 of the events you witnessed that night in conducting  
25 surveillance at the Ravenite?

1 A Yes.

2 MR. BURLINGAME: I would offer Government's Exhibit  
3 301 A-1 and 301 A-2.

4 THE COURT: Yes. They are in evidence.

5 (So marked.)

6 Q Thank you, special agent.

7 MR. BURLINGAME: I have nothing further.

8 CROSS-EXAMINATION

9 BY MS. SHARKEY:

10 Q How are you?

11 A Good.

12 Q You surveilled the Ravenite because that was John Gotti,  
13 Sr.'s club?

14 A It was the Gambino Crime Family headquarters.

15 Q And you considered that to be a center of power, is that  
16 correct?

17 A Yes.

18 Q And were you on surveillance of that location for eight  
19 years?

20 A No, I was not.

21 Q You were on the squad for eight years, right?

22 A Yes, that's correct.

23 Q And how long did you surveil the Ravenite club?

24 A The Ravenite, as soon as I really got to the squad, I  
25 surveilled it and at the termination, until the video camera

1 surveillance was terminated.

2 Q Could you give us dates on that, sir?

3 A Specifically, I would say any time from March 1990 to --

4 I would say '91. I would guess, conjecture.

5 Q Okay?

6 And that location was surveilled four to five days a  
7 week.

8 A Yes.

9 Q For that period of time, right?

10 A Yes.

11 Q Actually for greater than that period of time, right?

12 That's when you were on it?

13 A I don't know the exact time it was terminated, but it was  
14 surveilled during the time I was on the squad, yes.

15 MS. SHARKEY: Nothing further. Thank you.

16 THE COURT: Thank you. That will be all, sir.

17 (Witness excused.)

18 THE COURT: Next, please.

19 MR. BURLINGAME: Thank you, your Honor.

20 The government calls special agent Vincent O'Hara.

21 We would ask for a second so we can move the television screen  
22 and play the videos.

23 THE COURT: Yes.

24 Which number is that on your list, please?

25 MR. BURLINGAME: The Ravenite videos are 300 --

1 THE COURT: On your witness list.

2 MR. BURLINGAME: Oh. O'Hara. I think they are in  
3 alphabetical order.

4 THE COURT: I have it, 57, is that correct?

5 MR. NORRIS: That's correct, judge.

6 THE COURT: Thank you.

7 MS. SHARKEY: Before we start, is that video going  
8 to play here? Does that play here, too?

9 THE COURT: I don't know how it's hooked up.

10 MR. BURLINGAME: I believe it does.

11 MS. SHARKEY: Can we make sure, before we start?

12 MR. BURLINGAME: Yes.

13 THE COURT: Are you having the witness stand or sit.

14 MR. BURLINGAME: We're going to have him start  
15 sitting and come up and point to the screen while it's  
16 playing.

17 THE COURT: I see.

18 Swear the witness, please.

19 V I N C E N T O ' H A R A ,

20 having been duly sworn was examined and  
21 testified as follows:

22 THE LAW CLERK: State your name and spell it,  
23 please.

24 THE WITNESS: My name is Vincent O'Hara, O H A R A .

25 DIRECT EXAMINATION

1 BY MR. BURLINGAME:

2 Q Good afternoon, Mr. O'Hara.

3 A Good afternoon.

4 Q What do you do for a living?

5 A I'm a special agent with the Federal Bureau of  
6 Investigation.

7 Q When did you join the FBI?

8 A Approximately 13 years ago, March of 1996.

9 Q What did you do before you joined the FBI?

10 A I was in the merchant marine and worked for a marine  
11 engineering company for approximately ten years.

12 Q What's your current assignment in the FBI?

13 A I'm assigned to the criminal division, an organized crime  
14 squad, specifically the Gambino Organized Crime Squad.

15 Q What are your primary duties as a member of the Gambino  
16 Family Crime Squad?

17 A I conduct investigations into illegal activities  
18 perpetrated by members and associates of the Gambino crime  
19 family.

20 Q Is that illegal or legal?

21 A Illegal.

22 Q How long have you been on the Gambino squad?

23 A Approximately twelve years.

24 Q Have you ever done anything else within the FBI?

25 A Short stint on the applicant squad and a short stint on



1 surveillance squad as well.

2 Q What's that mean, the applicant squad?

3 A They do background checks.

4 Q During the course of your time on the Gambino squad have  
5 you become familiar with a place called the Ravenite?

6 A Yes.

7 Q Where was it located?

8 A It was located at 247 Mulberry Street in Downtown  
9 Manhattan. Little Italy section of Downtown Manhattan.

10 Q Do you know what the cross-street is there?

11 A Prince Street and Spring Street. In between Prince and  
12 Spring Streets.

13 Q Did the Gambino squad ever conduct video surveillance of  
14 the Ravenite, to your knowledge?

15 A Yes.

16 Q When?

17 A Approximately between 1988 and 1990.

18 Q Did you take part in that surveillance?

19 A I did not.

20 Q Why not?

21 A I was not assigned to the FBI at that time.

22 Q Are you familiar with the video surveillance the Gambino  
23 squad conducted of the Ravenite?

24 A Yes.

25 Q How are you familiar with it?

1 A When I first joined the squad in 1997, one of my first  
2 duties given to me by the supervisor was to basically  
3 reorganize all the of the Ravenite tapes. They had just moved  
4 from another building and there were hundreds of tapes in  
5 boxes that had to be reorganized basically. So I got the  
6 tapes together, reorganized them, catalogued them and created  
7 an electronic directory based on date, number of VHS tapes per  
8 date and stored them for squad's use.

9 Q Approximately, how many Ravenite videos are there?

10 A Approximately 385.

11 Q Is that days of surveillance or is that numbers of video  
12 cassettes?

13 A Those are days of surveillance. The number of tapes is  
14 more. Generally anywhere from one to four tapes, depending on  
15 how long surveillance lasted per day.

16 Q Did you review the tapes when you organized them?

17 A I did review several of them, yes.

18 Q Why did you do that?

19 A The supervisor at the same time he gave me that task also  
20 suggested that I familiarize myself with these tapes and the  
21 individuals on these tapes.

22 Q Did he tell you why?

23 MS. SHARKEY: Objection.

24 THE COURT: I'll allow it.

25 A So that when I would go conduct my own investigations and

1 surveillance I would have an idea of who many of these  
2 individuals were.

3 Q Have you continued to review the tapes from time to time  
4 since you first organized them?

5 A Yes, I have.

6 Q Why is that?

7 A As my cases came along, specific targets or individuals  
8 came up in the cases and they became more specific as far as  
9 looking at the tapes. I didn't just review the entire tape,  
10 and familiarized myself, I was looking at the tapes for a  
11 specific subject of an investigation that I was conducting.

12 Q When you would look at the tapes in reference to a  
13 specific subject of an investigation you were conducting, what  
14 would you do while you were watching them? What information  
15 were you looking for?

16 A I was looking to see, A, if they were, in fact, on the  
17 tapes. B, who else was on the tapes. I also looked to see if  
18 they came, arrived with anybody at the club, who they may have  
19 spoken to while at the club, if they were out in front. That  
20 sort of thing.

21 Q During the course of your time on the Gambino squad how  
22 many members and associates of the Gambino Family have you  
23 investigated?

24 A I would say well over a hundred.

25 Q How many of the Ravenite tapes would you estimate you've

1 watched?

2 A I would say portions of -- portions and all of 75 to 100  
3 approximately.

4 Q And those would be days of surveillance or individual  
5 videotapes?

6 A That would be days of surveillance.

7 Q How many hours would you estimate you've spent watching  
8 the Ravenite videos?

9 A Estimate over 200 hours conservatively.

10 Q When you would watch these tapes what would you typically  
11 do?

12 A When I first watched them, to familiarize myself, I would  
13 have the videotape, I would have the log, surveillance log,  
14 the written log and some still photos from the squad's photo  
15 file, just so that I could identify who I was looking at, just  
16 to familiarize myself with their physical characteristics,  
17 maybe how they walked, again who they may have arrived with  
18 and as I progressed on the squad and started doing my own  
19 cases, again, it would be more specific where I would look for  
20 a specific individual.

21 Q During the course of your time on the squad have you  
22 become familiar with the appearance of a number of people who  
23 were captured on Ravenite videos?

24 A Yes, I have.

25 Q Can you explain the different ways that you have become

1 familiar with these people?

2 A As I have been on the squad, like I said many of them  
3 have become targets and defendants in cases I've worked on.  
4 They are also targets of other agents on my squad that I have  
5 assisted. I've done surveillances where these individuals  
6 have been seen. Some of these individuals have become  
7 cooperating witnesses for the government and I've had a chance  
8 to debrief them. I have attended court appearances where  
9 several of these individuals have appeared.

10 Q Are you familiar with the appearance of Charles  
11 Carneglia?

12 A Yes, I am.

13 Q Do you see him here in the courtroom?

14 A Yes, I do.

15 Q Can you point him out, please?

16 A The gentleman sitting at the table with the beard and  
17 moustache.

18 MR. BURLINGAME: Identifying the defendant?

19 THE COURT: Yes.

20 Q Did the defendant always look the way he does now?

21 A No, he did not.

22 Q How did he look different in the past?

23 A In the past I've seen him clean-shaven, no beard, no  
24 moustache, slightly darker hair.

25 Q In anticipation of this trial were you asked to identify

1 Ravenite surveillance videos that captured the defendant?

2 A Yes, I was.

3 Q How did you go about doing that?

4 A We have an analyst assigned to our squad and she has  
5 access to a database where over the years those individuals  
6 that were captured at the Ravenite during these surveillances  
7 were uploaded by date and appearance at the Ravenite for that  
8 specific date.

9 So I would give the analyst the name of the person  
10 that I am interested in. She'll run it through the database  
11 and it will spit out the days that that particular person was  
12 observed at the Ravenite and index it as such in the database.

13 Q Were you able to locate videos on which the defendant was  
14 captured?

15 A Yes, I was.

16 Q What were the dates he was captured on the videos?

17 A November 22, 1989 and November 29, 1990.

18 Q Did you review the tapes for those dates?

19 A I did.

20 Q And you were able to identify the defendant in the  
21 videos?

22 A I was.

23 Q I'm showing you what's in evidence as Government's  
24 Exhibit 300 A-1 and A-2 and Government's Exhibit 301 A-1 and  
25 A-2.

1 THE COURT: They are both in evidence now, 300 A-1  
2 and A-2. And 301 A-1 and A-2.

3 Q Do you recognize those exhibits?

4 A Yes, I do.

5 Q What are they?

6 A These are the original tapes documenting the surveillance  
7 done at the Ravenite on November 22, 1989, two tapes, and  
8 November 29, 1990, also two tapes.

9 Q I'm sorry. If you could remove one of the tapes from  
10 there and look at the exhibit sticker and say which exhibit  
11 correlates to which date?

12 A Exhibit 300 A-2 corresponds to the November 22, 1989.

13 And Exhibit 301 A-1 corresponds to the November 29,  
14 1990 tape.

15 MR. BURLINGAME: Just to clarify it, both A and B  
16 for those exhibit numbers correlate to the same dates.

17 Q What's the quality of the videos on these two days  
18 compared with the hundred of hours of other Ravenite videos  
19 you have watched?

20 A I would say the 1989 tapes, their quality is good. And  
21 the 1990 tapes, I would say it's average to a little below  
22 average.

23 Q How does the quality of the Ravenite videos compare to  
24 say a video you would watch on TV at home?

25 A They are not like the high-definition DVD's that we get

1 nowadays. These tapes are 20 years old. They were taken from  
2 an apartment building two blocks away, five or six stories  
3 high, different types of weather conditions. So they are not  
4 as high quality as you would get today, but they are still  
5 very adequate as far as being able to identify people.

6 Q While you watched these two videos, did you do anything  
7 to prepare for your testimony here today?

8 A Yes, I did.

9 Q And what did you do?

10 A I created composite tapes for each of the two dates in  
11 question.

12 (Continued on next page.)

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1 CONTINUED DIRECT EXAMINATION

2 BY MR. BURLINGAME:

3 Q What's a composite tape, what do you mean by that?

4 A A composite tape, I would review the tapes and review the  
5 entire original tapes, then take excerpts or video clips of  
6 the defendant and other notable or prominent individuals I was  
7 able to identify for each day on each tape.

8 Q What did you do after you selected the excerpts from the  
9 original tapes?

10 A I created the composite tape.

11 Q How long did it take you to create the composite videos?

12 A Approximately 20 hours or so.

13 Q How long are each of the original videos for the two  
14 dates we're talking about?

15 A November 22nd, 1989 is approximately four hours.  
16 November 29th, 1990 surveillance is approximately three hours.

17 Q How long are each of the composite videos you made?

18 A The 1989 composite is approximately 14 to 15 minutes  
19 long. The 1990 version is -- well, the 1990 composite is  
20 about five minutes.

21 Q I'm showing you what's been marked as Government  
22 Exhibit 300-B and 301-B. Do you recognize those?

23 A Yes, I do.

24 Q What are they?

25 A They are composite tapes that I created based on the

1 original. Exhibit 300-B is the composite for November 22nd,  
2 1989. Exhibit 301-B is the composite for the November 29th,  
3 1990 day.

4 Q How do you know those are the composite videos you  
5 created?

6 A I reviewed them, has my handwriting on the labels.

7 Q Is Government Exhibit 300-B comprised solely of true and  
8 accurate copies of the selections of the videos contained in  
9 Government Exhibit 300-A-1 and Government Exhibit 300-A-2?

10 A Yes.

11 Q Is Government Exhibit 301-B comprised solely of true and  
12 accurate copies of selections of the videos contained on  
13 Government Exhibit 301-A-1 and 301-A-2?

14 A Yes.

15 MR. BURLINGAME: I offer Government Exhibit 300-B  
16 and 301-B.

17 THE COURT: Admitted.

18 (So marked.)

19 MR. SHARKEY: May I look at them?

20 THE COURT: You can do it on cross.

21 Q Special agent, is the quality of the composite videos  
22 identical to that of the originals?

23 A No.

24 Q Is it better or worse?

25 A A little bit worse.

1 Q How does the quality of the two composite videos compare  
2 to the hundreds of hours of the Ravenite videos you watched?

3 A The 1989 version is good. The 1990 version is average to  
4 below average.

5 Q Special Agent O'Hara, you testified that during your  
6 12 years with the Gambino squad, you've become familiar with  
7 the appearance of many of the subjects of your investigations.  
8 Were you able to identify a number of individuals on the  
9 surveillance videos for November 22nd, 1989 and November 29th,  
10 1990?

11 A Yes, I was.

12 Q In preparing to testify today, how many times have you  
13 watched the full length videos for those dates?

14 A Two times.

15 Q How many times have you watched the selections from those  
16 videos that appear in the composite videos you created?

17 A Approximately ten times.

18 Q Why have you watched the selection so many times?

19 A To review it, to make sure I'm properly identifying the  
20 people that I've indicated on the videotape.

21 Q Are you certain of the identifications you've made?

22 A Yes.

23 Q Were there any individuals on videos you were not able to  
24 identify?

25 A Yes.

1 Q Were there individuals you were not 100 percent sure on  
2 but you believed you knew who they were?

3 A Yes.

4 Q Did you make positive identifications of anyone you were  
5 not 100 percent sure of?

6 A No.

7 Q Is any information captured on the videos aside from the  
8 images being recorded at the time?

9 A Yes.

10 Q What's that?

11 A The bottom left-hand corner indicates the date of the  
12 surveillance. The bottom left-hand corner indicates time of  
13 day. It's military time in hours, minutes, seconds.

14 Q Can you give us an example of military time, how that  
15 works?

16 A It's based on a 24-hour clock. For example, if it was  
17 5:00 p.m., it would be 1700 hours. It would be 17:00.

18 Q Is that information, that time and date information  
19 appear on the composite videos?

20 A Yes, it does.

21 Q Does the time change when a new selection starts or a new  
22 clip starts?

23 A Yes, it would identify the clip I've taken. The first  
24 clip may run from 17:10 to 17:11 and the next clip may go from  
25 17:15 to 17:16. It would jump from 17:11 to 17:15.

1 Q What did you decide to cut out? What's missing from the  
2 originals? What's missing on the composite that's in the  
3 originals?

4 A There's a lot. Sometimes there's down-time, nobody in  
5 front of the Ravenite, same individuals may be out in front of  
6 the Ravenite for long periods of time, anything that would  
7 have been repetitive, that sort of thing.

8 MR. BURLINGAME: Your Honor, this is the point in  
9 the special agent's testimony, we would ask to play the  
10 videos. It takes about 20 minutes. I don't know if you  
11 prefer to start tomorrow or do it now.

12 THE COURT: No, I would rather do it now.

13 MR. BURLINGAME: I would ask that the government be  
14 able to publish Government Exhibit 300-B which is the  
15 November 22nd, 1989 composite and that the agent be allowed to  
16 step down, explain who is who on the video.

17 THE COURT: Yes, granted.

18 (Witness leaves the stands).

19 THE WITNESS: Can we proceed?

20 MR. BURLINGAME: Do the lights go any lower?

21 (Pause.)

22 Q Go ahead.

23 A Very well.

24 (Tape starts play.)

25 A This is Handsome Jackie Giordano and Joseph Watts

1 entering the Ravenite.

2 As I mentioned before, here's the date on the  
3 bottom, November 22nd, 1989. Here's the military time,  
4 17 hours, 31 minutes, 21 seconds.

5 Q That would be 5:31 and 21 seconds?

6 A That's correct. This is the front of the Ravenite Social  
7 Club. Generally most of the people would be entering through  
8 this door and exiting through this door so you have an idea.  
9 Again, this is from an apartment building approximately two  
10 blocks away, four or five -- five or six stories up.

11 These three gentlemen entering, first gentleman  
12 opening the door is Nicholas Corozzo, followed by Louis Scida  
13 and Sal Ciccarrelli.

14 Coming down the street, the gentleman on the right  
15 is Sal Scala. The gentleman in the middle is Dominic  
16 Pizzonia, also known as Skinny Dom, unidentified older  
17 gentleman with the hat also enters, Sal Scala.

18 This is Joey Franco Lino entering the club. Behind  
19 him is Thomas Cacciapola also known as Tommy Sneakers. They  
20 enter approximately 5:40. The door closes.

21 Q What are those white flashes you see on the screen  
22 sometimes?

23 A The white flashes are reflections off the window from the  
24 apartment building, either from headlights.

25 Q Shooting through a closed window, that's the reflections?

1 A That's right.

2 This is Joseph Cassaria, also known as Joe Rackets,  
3 the gentleman behind him here is Anthony Proto, also known as  
4 Tony Pro. This is Michael Guerreri, also known as Mikey Gal,  
5 Johnny Gammarano, also known as Johnny G, the gentleman is  
6 Galetta.

7 This gentleman approaches here in the white coat is  
8 Robert Biscaccia, also known as K-Bert.

9 Biscaccia, Proto and Cassaria enter the Ravenite.

10 Approaching the Ravenite now is Joseph Giuliano,  
11 also known as Sonny Giuliano, his brother Richard behind him.  
12 They enter approximately 5:53.

13 Joe Delmonico, also known as Joe Brewster, Jimmy  
14 Fiella, also known as Jimmy Brown. They both enter  
15 approximately two minutes to 6:00.

16 6:00 o'clock, Jackie Cavallo, Joseph Scopo. They  
17 start walking north on Mulberry. At times the people doing  
18 the surveillance can manipulate the camera to catch people  
19 either coming a little further north or south on Mulberry  
20 Street.

21 Q Who is that?

22 A Jackie Cavallo, Joe Scopo.

23 Approximately a minute later, we have Sammy Gravano,  
24 also known as Sammy the Bull, Lou Valerio, Big Lou, Eddie  
25 Garafola, Thomas Carbonaro, also known as Huck, all meet and

1 greet Johnny Gammarano at the front door.

2 Coming down the street here in the middle is Joe  
3 Corrao, also known as Joe Butch and Vinny Corrao bending down  
4 right now. The gentleman on the right is Dominic Curra,  
5 approximately nine minutes past 6:00 o'clock. They're  
6 approaching the Ravenite.

7 Q Which direction are they walking on Mulberry?

8 A Walking north on Mulberry Street.

9 They greet. This is Dom Morgasi, Fat Dom. The two  
10 Corraos. This is Jackie Cavallo, Joey Scopo, the two  
11 individuals earlier had walked to the corner, now returned,  
12 Jackie Cavallo.

13 Q Is that common individuals would leave together, come  
14 back?

15 A At certain times individuals would leave and go on a  
16 walk-talk.

17 MR. SHARKEY: Objection.

18 THE COURT: Without characterizing, indicate what  
19 they are doing.

20 A Certain times individuals would leave and take a walk and  
21 converse with one another, come back anywhere from a couple of  
22 minutes to 15, 20 minutes.

23 Q Continue.

24 A This gentleman here in the dark jacket is Bobby Boriello,  
25 this is Sal Ciccarelli who entered earlier with Nicky Corozzo,



1 also known as Chicky. This is John Gotti, Junior down here,  
2 meeting and greeting. This is Robert Epifania, also known as  
3 Bobby the Jew. I believe this individual is Michael Albanese,  
4 the gentleman shaking hands.

5 Q You're not sure on Albanese?

6 A Not one hundred percent. The gentleman in the hat is  
7 Frank Dapolito. The gentleman here is Sal Franco. This is  
8 Joseph Franco. They all enter the Ravenite, Bobbie Epifania  
9 is still in front. This is Michael O'Garrety, also known as  
10 Mikey Scars, approximately 6:39. He meets and greets, goes  
11 over to Robert Biscaccia, Mikey Gow, enter the Ravenite. This  
12 is Anthony Saccone, also known as Sonny Saccone. He arrives  
13 approximately 6:44. John Gotti, Junior again. This is Jerry  
14 Brancato, meeting and greeting. Again, Sonny Saccone, Jerry  
15 Brancato. This is Peter Gotti in the left corner of the  
16 screen here. That's as Saccone enters, Joe Rackets.

17 Q A lot of men are kissing each other, is that common?

18 A Yes, it is.

19 Again, Junior Gotti. This individual crossing with  
20 the box is Danny Marino. Behind him is Anthony Ventrulo.  
21 Both enter the Ravenite approximately ten minutes. To 7:00.

22 This is Tommy Sneakers, Junior Gotti. Coming down  
23 the block the first individual here is Jackie D'Amico, also  
24 known as Jackie Nose. Behind him is John Gotti, Senior.  
25 Everyone meets and greets John.

1           John Gotti, Junior here greets and kisses John  
2 Gambino.

3           Peter Gotti exits the Ravenite as does Joseph  
4 Corozzo, also known as JoJo, Johnny Sitra, also known as  
5 Johnny Vino.

6           At this time it's approximately 6:52. At the bottom  
7 of the screen is Charles Carneglia approaching on the left.  
8 To his right is Mario Galetti. As they enter, Charles is  
9 right here, meets and greets Sal Scala, meets and kisses John  
10 Gotti, Junior, shakes Matty Rugerio's hand. Mario Galetti  
11 also greets.

12           Here's Charles Carneglia going over to Peter Gotti,  
13 meets and greets Peter.

14 Q    Is that the defendant in the white coat who kissed Peter  
15 Gotti?

16 A    That's correct. Here's John Gotti, Junior, Charles  
17 Carneglia on the left of the screen conversing with  
18 approximately three or four individuals.

19           MR. BURLINGAME: When we pause, the tape is old, it  
20 can't pause clearly. Would you like us --

21           THE WITNESS: This is him right here, your Honor  
22 (indicating). Should I continue?

23 Q    Yes. Is it fair to say he's the individual with the  
24 white coat with the sort of darkish eyes, sunken eyes?

25 A    And slicked-back hair, right here, the lighter jacket of

1 all the individuals that he's conversing with.

2 Q Could you identify the two individuals he's talking to  
3 right now?

4 A I believe this is Ronnie DeConza. I'm not aware of the  
5 other individuals that are in that little group there.

6 Q You're not hundred percent sure on Ronnie DeConza?

7 A Not hundred percent.

8 Q Could you identify again where the defendant is right  
9 now?

10 A The defendant is to the left part of the screen speaking  
11 to the individual.

12 Q Where's the defendant here?

13 A One minute past 7:00, this is Sal Scala and Charles  
14 Carneglia. They're going to start walking north on Mulberry  
15 Street. Again, Charles Carneglia, Sal Scala.

16 Q Any doubt in your mind that's Charles Carneglia?

17 A No doubt.

18 Joseph Corozzo, Johnny Vino, Louis Mastrangelo also  
19 known as Louie Nose. They exit approximately a minute later.

20 Approximately eight minutes past 7:00, Charles  
21 Carneglia and Sal Scala return.

22 Q Do you know how long the time was when they were away  
23 walking and conversing together?

24 A About seven minutes. This is Peter Gotti. This is  
25 Carmine Sciandra, also known as Carmine Top Tomato.

1 Approximately 11 minutes past 7:00, Peter Gotti, Charles  
2 Carneglia conversing at the Ravenite door.

3 14 minutes past seven, Peter Gotti is still talking  
4 to Charles Carneglia. This time John Gotti, Junior and Mikey  
5 Scars exit and take a position right next to Peter Gotti and  
6 Charles Carneglia.

7 Q Can you point out Mikey Scars?

8 A Michael DiLeonardo, John Gotti, Junior, Peter Gotti,  
9 Charles Carneglia.

10 Q DiLeonardo is the one with the black overcoat?

11 A That's correct.

12 Q Is the defendant present on the screen right now?

13 A He's entering the Ravenite with Peter Gotti.

14 Approximately a minute later Pete Gotti exits with Charles  
15 Carneglia. They meet with Tony Migali, head south on Mulberry  
16 Street. Tony shakes Charles Carneglia's hand.

17 Q They're walking, conversing while walking south?

18 A Correct. This is Charles Carneglia with Michael  
19 Albanese. They converse in front of the Ravenite.

20 You have Charles Carneglia, Michael Albanese, about  
21 7:33.

22 Nine minutes later, Eddie Lino exits the Ravenite,  
23 meets and greets, kisses Charles Carneglia, puts his arm  
24 around him. Peter Gotti. This is Charles Carneglia entering  
25 the Ravenite with two other individuals approximately a

1 quarter of 8:00. Charles Carneglia exits with Michael  
2 Albanese. They proceed south on Mulberry. They're going to  
3 enter a store here.

4 Q That's the defendant who just walked first into the  
5 store?

6 A Correct. Approximately 12 minutes past 8:00, Charles  
7 Carneglia, Mario Gillotti, the gentleman he arrived with, the  
8 man I believe is Ronnie DeConza. Now Charles Carneglia  
9 assumes the position on the right. They walk north on  
10 Mulberry Street approximately 13 minutes past 8:00.

11 Behind them, Nicholas Corozzo, Lou Scida, also known  
12 as Brother, the man I believe is Carmine Pollisano.

13 Approximately two minutes later, Charles Carneglia,  
14 Mario Gillotti, Ronnie DeConza return to the Ravenite.

15 Charles speaks with Danny Fatico, the gentleman with  
16 the cap on his head. Mario Gillotti here, Charles Carneglia  
17 here, Ronnie DeConza and Danny Fatico.

18 Danny Fatico shakes hands with Charles Carneglia.  
19 They proceed south on Mulberry Street. That ends the  
20 November 22nd, 1989 composite.

21 THE COURT: There's another tape for the next day?

22 MR. BURLINGAME: The next tape is only about three  
23 minutes.

24 THE COURT: Go ahead.

25 MR. BURLINGAME: I would like to run through a

1 couple of quick questions before we play the next tape.

2 Q Special Agent, you testified both the video and composite  
3 video for 11-29-1990 are of average to below average quality,  
4 the composite is of slightly worse quality than the original?

5 A That's correct.

6 Q In preparing for trial, did you come to a determination  
7 it was more valuable to play certain selections from the  
8 original video rather than to play the composite?

9 A That's correct.

10 Q Why was that?

11 A The second composite was only five minutes. To play  
12 better portions from the original that would show the  
13 defendant and some other prominent or notable individuals, the  
14 portions that are on the composite that we won't play on the  
15 original are basically repetitive. There are other instances  
16 of Charles Carneglia in front of or coming in and out of the  
17 Ravenite. There's also a couple of indications of people  
18 entering the Ravenite from behind, just a little shadowier.  
19 As with each progressive or subsequent copy that's made, the  
20 quality is reduced a little bit.

21 Q How many selections from the original 11-29-90 tape are  
22 you going to play?

23 A One from each tape.

24 Q Approximately how long is each selection?

25 A The first one is a minute. The second one is two

1 minutes.

2 Q You said there are certain other selections that are on  
3 the composite video we won't see?

4 A That's correct.

5 Q Those are mostly the repetitive or duplicative ones?

6 A That's correct.

7 Q Those sections are on the composite video which is in  
8 evidence if the jurors would like to look at them later?

9 A Correct.

10 Q You can play the two portions you would like to play.

11 A This is the November 29th, 1990 video. You can see it's  
12 a little bit darker, a little bit shadowier. This is Charles  
13 Carneglia exiting, appears to spit and then returns inside the  
14 Ravenite approximately 6:30 p.m.

15 Q How many times have you watched this clip?

16 A This clip, 10 to 12 times.

17 Q Any doubt in your mind the person you're identifying as  
18 the defendant is the defendant?

19 A No.

20 MR. SHARKEY: Objection to form.

21 THE COURT: I'll allow it.

22 A This is Norman DuPont. The gentleman with the lighter  
23 trench coat is Dominic Pizzonia, Skinny Dom. This is Charles  
24 Carneglia at the door now with a cigarette in his hand, looks  
25 down towards the north, facing north on Mulberry Street.

1           This will be the same date, just the second VHS tape  
2 from that surveillance, still November 29th, 1990. Now we're  
3 going to jump forward to approximately 8:27. Skinny Dom, the  
4 man at the door before, Big Lou, Lou Valerio, Skinny Dom  
5 Pizzonia, Thomas Carbonaro. I'm not sure of the identity of  
6 those two individuals. That's John Gotti, Senior, Joe Watts,  
7 Big Vid with dark hair, Handsome Jackie Giordano, Frank  
8 Locascio, Jackie D'Amico, Zef Mustafah. I'm not sure of that  
9 last individual. The door opens again, Jackie D'Amico is  
10 going to take a step in. Here is John Gotti, Senior,  
11 Frank Locascio heading north on Mulberry Street, Jackie  
12 D'Amico reexits with Danny Marino, Skinny Dom, Thomas  
13 Cacciapola, Tommy Sneakers, also head north on Mulberry,  
14 Jackie D'Amico speaking with Danny Marino. They also head  
15 north on Mulberry Street.

16 Q     You said this is average to slightly below average  
17 quality. Most of the hours of the video you watched are like  
18 this quality rather than like the first tape we watched?

19 A     That's correct. I'm going to fast forward approximately  
20 a minute to get to the last clip.

21 Q     Who is that in the doorway?

22 A     Anthony Morelli smoking a cigarette.

23 Q     You're not 100 percent on him?

24 A     Not 100 percent.

25           Joseph Corozzo, also known as JoJo exits about 8:30.



1 Behind him is Ronnie Trucchio, also known as Ronnie One Arm.  
2 Then the defendant Charles Carneglia exits approximately  
3 31 minutes past 8:00.

4 Q Can you point him out again?

5 A Right here walking north on Mulberry Street.

6 Q Again, any doubt in your mind that's the defendant?

7 A No. That's the end of that.

8 THE COURT: We'll break now for the day. The  
9 jurors will return at 9:30 tomorrow morning.

10 Do not discuss the case or watch anything on the  
11 news about the case.

12 (Jury leaves courtroom.)

13 (Continued on next page.)

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1           THE COURT:   Counsel and the defendant, I want him  
2 here seated at 9:00 a.m., please, fully dressed and toileted.  
3 Thank you.

4           MR. SHARKEY:   Prior to breaking, the list that  
5 we've received from the government of the week's witnesses  
6 well after 5:00 o'clock on Friday is close to exhausted. We  
7 would like the list of the rest of the witnesses scheduled to  
8 testify and the approximate order they will be testifying.

9           THE COURT:   Yes, try to do that. Thank you.  
10           Good night.

11           MR. SHARKEY:   With due respect, I know the court  
12 doesn't want to get too involved in this, but would you direct  
13 the government to tell us now? We have had some difficulty in  
14 getting --

15           THE COURT:   Try to give it to them now if you can.  
16 Thank you. Good night.

17           MR. SHARKEY:   Thank you.

18           (Whereupon this matter concluded for this date.)  
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## 1 I N D E X

## 2 W I T N E S S E S:

3

4 M I C H A E L D I L E O N A R D O

5 DIRECT EXAMINATION (Continued) 526

6 DIRECT EXAMINATION (Continued) 526

7 CROSS-EXAMINATION 615

8 REDIRECT EXAMINATION 712

9 718

10 Matthew Tricorico

11 T R I C O R I C O 718

12 DIRECT EXAMINATION 718

13 CROSS-EXAMINATION 729

14 731

15 T H O M A S P E T R O U S K I E

16 DIRECT EXAMINATION 732

17 CROSS-EXAMINATION 737

18 739

19 V I N C E N T O ' H A R A

20 DIRECT EXAMINATION 739

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## I N D E X

## E X H I B I T S:

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4	4	494
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8		
9	300 A-1 and 300 A-2	729
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